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OBSERVATIONS  
ON THE  
TREATMENT OF CONVICTS  
IN IRELAND.



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OBSERVATIONS  
ON  
THE TREATMENT OF CONVICTS  
IN IRELAND

With some Remarks on the same in England

BY FOUR VISITING JUSTICES OF THE WEST RIDING  
PRISON AT WAKEFIELD

LONDON  
SIMPKIN, MARSHALL, AND CO.  
STATIONERS'-HALL COURT  
1862

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## INTRODUCTION.

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IN the year 1847, the West Riding Prison at Wakefield was greatly enlarged, the new portion being constructed on the same plan as the 'Model Prison' at Pentonville, and the whole furnishing accommodation for 1,374 prisoners. This accommodation being more than was required for the West Riding, 412 cells were, and are still, let to the Government for *convicts*, who pass, there, the first or probationary stage of their sentence, for the most part, in separate confinement. These men being to a considerable extent placed under our official charge, we have been naturally led to take much interest in that department of penal discipline which is distinguished as the Convict System, somewhat infelicitously, for it applies,—not, as might be supposed, to all persons *convicted* of crime,—but only to those who have been sentenced to penal servitude, or who were formerly sentenced to transportation.

The cessation, to a great extent, of the latter kind of punishment — transportation—has naturally deepened the interest in the subject, in our minds as well as in those of others, because it involves the necessary consequence, that the convicts, when discharged, must, for the most part, be our neighbours in this country, instead of being separated from us, as formerly, by wide oceans; and therefore their doings, when at large, affect us more nearly, and are brought more immediately under our eyes.

To us officially a further interest, of a painful kind,



has been added by their frequent return to prison, and their bad conduct even there.

The latter consequences are no doubt, to a *certain extent*, the necessary result of the former; but whether they be so to the extent which actually exists, is a matter for most serious consideration.

The exceedingly bad conduct of 'old convicts,'—that is of persons who, having previously undergone the discipline of the Convict Prisons, have again been sentenced to it for fresh crime,—has long been matter of painful interest to us, as showing that such discipline has, apparently, rather made them worse than better. The increasing number of such cases, is a still more alarming symptom, and, coupled with the other, cannot but suggest grave doubts, as to whether there must not be some serious defect in a system—well ordered as in many respects it certainly is—which produces such results.

On more minute enquiry, we find that the proportion of 'old convicts' to the whole number of convicts received at Wakefield has steadily increased, year by year, from 7 per cent. in 1854 to nearly 31 per cent. in 1861, when, of 514 received into the convict department of the prison, 158, or 30·7 per cent., were men who had previously passed through the Convict Prisons (see Appendix, Table A); and men of this class, are, in conduct, incomparably the worst that we have to deal with.

That, to a *certain extent*, results of this kind, were to be expected from the abolition of transportation, a little consideration will show. Though a considerable number of convicts are still sent to Western Australia, (see p. 52), the majority now remain, and are discharged, in this country. It is a fact now but too well ascertained, that there are a certain limited number of the criminal class, who are

properly called 'incurrigibles,' whom, humanly speaking, no penal system can either reform or deter from crime. So long as the feeling of the public shrinks from subjecting these men to life-long confinement, it is inevitable that they must be discharged on the community, and almost equally inevitable that they will again commit crime, and, if detected, again return to prison.

Under a good system of penal discipline, which shall reform the majority of those who have committed crime, and deter others from committing it, and so lessen the whole number of criminals; and under a good system of police, which shall ensure the detection of those who do commit crime, the *proportion* formed by the 'incurrigibles' to the so diminished whole number of criminals, will, necessarily, increase.

We fear, however, that neither of these reasons, is sufficient to account for the increase of returned convicts, to which we have referred. That is, unfortunately, not merely a *proportionate*, but an *absolute* increase. While Table A shows that the number of returned male\* convicts received at Wakefield (convict department) has increased from 31 in 1854 to 159 in 1861, Table B shows that the whole number who have become convicts in Great Britain, by receiving sentence of penal servitude, has only diminished from 2,167 in the former year, to 2,079 in 1860, the latest year published.

Neither will special means of detection with respect to this class of men, account for the increased number of reconvictions; for—as we shall have occasion to notice more fully hereafter—instead of the police being in-

\* As female convicts are not received into the Government part of Wakefield prison, but Scotch male convicts are received there, we have taken the latter, but not the former, into the following account.

structed or encouraged to exercise any special vigilance with respect to them, they are absolutely discouraged and hindered from so doing, by being kept, as much as possible, in the dark about them.

Another remarkable symptom of the failure of the system as to these men, is the *short time* in which the majority come back to prison after being discharged. This is the worse, in that it cannot be accounted for by the pressure of necessity from the difficulty of obtaining employment, for they all received, on discharge, gratuities averaging 6*l.* or 7*l.* each, and amounting in some cases to 20*l.* or 30*l.*

Table A shows, that of 701 men who, having previously passed through the Convict Prisons, were received, after subsequent conviction, in the convict department at Wakefield, between 1854 and 1861 inclusive,

375 or 53·5 per cent., returned to prison, within one year from their previous discharge.

123 more, making together 71·1 per cent., returned within two years.

71 more, making 81·2 per cent., within three years, with decreasing numbers after longer periods: from which it would seem as if the discipline had *least* deterrent effect while it was most fresh in remembrance.

Of these 701, 387 had been discharged on ticket-of-leave.

Besides these 701, 280 male prisoners were received during the same period in the West Riding department, who had previously passed through the Convict Prisons. This fact would not have been known with respect to some of them, but that they happened to be recognised, by officers in the convict department, as having passed through their own hands; leaving no doubt that others

may have been received, who, having passed through other Convict Prisons, have not been recognised, and therefore the fact with respect to them unknown. Of these 280, 116 had been discharged on ticket-of-leave.

The results of enquiries outside the prison are no less discouraging. Of 140 persons known to the rural police of the West Riding as discharged convicts, 35 are reported by them as leading 'dishonest or suspicious lives.' But of 152 persons known under the former character to the police in the *borough towns* of the Riding, not including that of Leeds, 72 are reported as bearing the latter. Of 100 of these in one of those boroughs—Sheffield—the Chief Constable, after remarking that, 'As it is not the practice of the prison authorities to apprise the police of the release' of persons who have been sentenced to transportation or penal servitude, he cannot give a *complete* return, continues: 'We have 13 who are not only living by thieving, but who are regarded by the detectives as *captains among thieves*. They have one and all been repeatedly in prison; and as they are never known to disclose anything detrimental to their associates, less experienced thieves place confidence in them, and are ready and willing to join in any felonious undertaking they may propose. In addition, we have 16 who are believed to live entirely by criminal pursuits, 23 who sometimes work and sometimes steal, and 48 whose residence and mode of obtaining a livelihood I have failed to ascertain.'

With these facts before us, we certainly are surprised — most agreeably, if the news be true,—to be told, as we have recently been told by the highest authority, that the English convict system is producing excellent results, and only requires to be better known in order to be

more highly appreciated.\* We only speak to facts derived from the one prison and one locality with which we are connected; but each of these must enjoy a very disproportionate share of the failures, if the general results be so good as we are given to understand. This is the more remarkable, inasmuch as the convict department of the prison, and the locality, are quite independent of each other,—the prisoners in that department at Wakefield being generally men convicted elsewhere than in the West Riding,—and as, in the locality itself, the general proportion of crime to population, is below the average of England.

Our assurance of the favourable results produced by the English convict system is based on a return showing that, of 9,180 men discharged on license between October 1853, and March 1861, 834, or 9 per cent., have had their licenses revoked, and 1,038, or 11·3 per cent., have been again sentenced to the Convict Prisons.† As licenses are only revoked upon reconviction, the general result is, briefly, that 20 per cent. of these men have been returned to the Convict Prisons for fresh crime.

How far this result is to be considered satisfactory, we shall not at present enquire, because it is necessary, first, to enquire how far it is proved, or rather, how far the Return from which it is taken, affords an adequate representation of the real results of the English convict system. Upon this we must observe, first, that the Return takes no account of the men who were convicted under the law as it stood from 1853 to 1857, and who, having undergone their sentences in full, form a large proportion of the convicts discharged during the later years of the period to which the Return refers. These

\* Memorandum, Report Convict Prisons (English), 1860.

† Memorandum, Report Convict Prisons, 1860, p. vii.

men are not included on either side of the account; if they were included on both sides, it might or might not alter the percentage of reconvictions; but it is clear that no adequate representation of the general results of the system can be obtained without taking them into account. The Return, however, professes to exhibit the results of that part of the system which is known as the Ticket-of-Leave System. But, unfortunately, even as to this point, it affords only positive evidence; it proves that so many ticket-of-leave men *have been* reconvicted. As negative evidence—to prove that *no more* have been reconvicted—its value is very small. Owing to the secrecy observed by the authorities as to ticket-of-leave men, in withholding information respecting them from the police, it is easy for many of them to destroy their tickets-of-leave, and, by assuming different names in localities where they are personally unknown, to commit crime and be reconvicted, without the fact that they were ticket-of-leave men being known; and therefore without their coming into the account of reconvictions of such men.\*

The men most likely to escape identification, are men of

\* We are told (Report, Discipline of Convict Prisons, England, for 1856, 1857, p. 102), 'The experience gained in this country in the release of nearly 7,500 convicts during the last four years and a half, has showed most plainly that the prospect or continuance of employment of the *great majority* only depends on their fellow-workmen and neighbours not knowing that they were ticket-of-leave men.' We shall see hereafter reason to doubt whether either the *great majority* are really unknown, or it be necessary, in order to their employment, that they should be so. It is evident, however, from this statement, that the authorities do their best to keep them unknown, and probably succeed as to a *great many*. If a great many are not known by their neighbours to be ticket-of-leave men, they are equally unknown as such to judges, magistrates, police, and others connected with the administration of justice; and so a great many ticket-of-leave men may be reconvicted without coming into any *returns* at all.

that class which is, of all others, most dangerous to the community,—viz., that of the travelling thieves, who go from place to place, conveying stolen property, giving information, and devising plans for fresh crime, to be executed, perhaps, by less cautious and experienced practitioners. These men, we have lately discovered, have *ingenious methods of disguising even those private marks about the person* by which prisoners are described in the registers, so as to baffle identification.

We have found, too, a great increase, recently, in the number of prisoners at Wakefield who come under assumed names, showing, at once, how useful they consider an *alias* to be to them, and how important to the public it is, that the identification of ticket-of-leave men at least, should be secured by placing them under the supervision of the police. In the absence of this and other such means, returns like that under consideration become almost valueless.

A ticket-of-leave man, who is sentenced again to the Convict Prisons, may often be identified by some officer who has seen him undergoing his former sentence; but, considering the number of different Convict Prisons in England, the change of officers, and the difference which a few years, especially in such a life as that of an habitual criminal, may make in the appearance, many may escape such identification. But this is far more likely to be the case with respect to another class of reconvictions, which are only very partially taken into account in the *Return*,—viz., that of men sentenced to *other* than Convict Prisons, such as County Gaols and Houses of Correction. Some of these men, if they happen to be identified, have their licenses revoked, and these come into the Convict Prisons, and are included in the Return; but many escape identi-

fication, their licenses have expired, or for some reason are not revoked, and all these are not taken into the account at all.

Table C in the Appendix, shows that of 99 ticket-of-leave men received into the West Riding department at Wakefield, 41 were, on trial, resented to penal servitude: these are probably included in the Director's Return of reconvictions. 30 had their licenses revoked; and these no doubt are included in the Return under that head. 3 were acquitted on trial; and might therefore be innocent.\* But 25 remain who do not come into the Return at all.

It has always been the practice of the Governor at Wakefield to report to the Home Office every known ticket-of-leave man received in the West Riding department. 19 whose original sentence was unexpired, have been so reported, *besides* those whose licenses were revoked. In these cases the men were discharged at the expiration of their last sentence, some to return again to prison and be again reported, yet the license not revoked.†

\* As to those who were acquitted on trial, there must, of course, have been sufficient evidence of guilt to induce magistrates to commit and grand juries to find a bill. It is, therefore, very questionable how far the Royal license to be at large ought to be continued to men who have placed themselves in so suspicious a position.

† The apparent reason for non-revocation of tickets-of-leave seems to be, sometimes that the unexpired portion of the sentence is short, sometimes that it is long. The former is intelligible, considering the cumbrous and expensive nature of the process for revocation under the present state of the law. The latter has less excuse. It is alleged that it would be hard to send a man back to serve out a long unexpired period of sentence for an offence perhaps not in itself very serious. But why, in such a case, he should necessarily serve out the *whole* period—why he should not, after a further probation, again receive a ticket-of-leave—is difficult for ordinary minds to comprehend.

In some cases, an answer to the report directs that a solemn warning be administered to the returned ticket-of-leave man, that his license will positively be revoked the *next time* he returns to prison for another offence;



#### XIV TICKET-OF-LEAVE MEN IN THE WEST RIDING

As 25 known ticket-of-leave men have come into the West Riding department at Wakefield who are not included in the *Return*, we see no reason to doubt that *at least* an equal proportion of the whole number of such men discharged, has been received into other Local Prisons throughout England without being included; for, as we have observed, the proportion of ticket-of-leave men, as of criminals generally, to population in Yorkshire is below the general average.\*

But from the Report on the discipline of Convict Prisons for 1856, 1857, p. 145, we find that of 6,500 ticket-of-leave men discharged up to Dec. 31, 1857, in England and Wales, 495, or 7·6 per cent., were sent into the county of York.† Of this county, the West Riding department at Wakefield does not receive prisoners from the North or East Riding, the city of York, or the large borough of Leeds.‡ It receives about 46 per cent. of the prisoners of the whole county; and therefore the proportion of ticket-of-leave men, from whom it might be

but in some cases, it is not till a third return to prison, that the long-suffering of the authorities is overcome, so as to revoke the license.

\* From the Report of Convict Prisons, 1854-55, p. 132, it appears the number of ticket-of-leave men then discharged into Yorkshire formed 1·8 per cent. in 10,000 of the population, whereas the general average was 2·3, or nearly one-fourth more. The Report for 1857 gives 2·8 for Yorkshire against 3·6 for all England.

† As this per centage differs by only 0·1 from that given two years before (Report for 1854, 1855), and refers to more than two-thirds (6,500 out of 9,180) of the whole number of ticket-of-leave men included in the Return of 1860, it may be taken as a fair representation of the per centage discharged into Yorkshire of that whole number.

‡ Though we have not obtained Returns of the number of discharged convicts in these towns, not being included in the district connected with the West Riding Prison, we have reason to know that they contain a large number, and that York, especially, is infested by some of the worst class, whose *work* is traced by the police in many burglaries, and other crimes, recently committed in the county.

expected to receive reconstructions, is about 3·5 per cent., or  $\frac{1}{28}$ th of the whole number discharged.

If, then, a like proportion of ticket-of-leave men have been received into the other Local Prisons throughout England, as at Wakefield, the 25 received there, besides those who may be supposed to be included in the Return, multiplied by 28, will give 700, as the whole number of such men who have been reconvicted of fresh crime, yet are not included in the Return at all.

But as the Director's Return shows 7,439 men discharged on license to the end of the year 1857, the difference between that number and the 6,500 discharged into England and Wales, must, we presume, belong to Scotland, and the Return must include the Scotch convicts. If this be so, Wakefield, receiving, as it does,  $\frac{1}{38}$ th of all the criminal prisoners in Great Britain,\* ought to receive about the same proportion of the reconvicted license-holders. If, then, we multiply the 25 by 38, we get 950 to be added to the Return.

Even as to the ticket-of-leave men received again into *Convict Prisons* on reconviction, Table B in the Appendix shows, that, either an exceedingly disproportionate number of such reconvicted men, have come into the convict department at Wakefield (which, as we have before said, is quite independent of the West Riding, receiving its prisoners *aliunde*), or the Return does not include them all.

It appears from Table B that the whole number of men received into the convict department at Wakefield from October 1853 to March 1861, was 3,359. The whole number of men sentenced to Convict Prisons throughout Great Britain during the same period, was 16,452, or nearly five times the number received at Wakefield. We

\* Judicial Statistics.

see no reason to doubt, therefore, that nearly five times as many reconvicted ticket-of-leave men have been sentenced *again* to all the Convict Prisons, as the number of men of the same class received at Wakefield. The number of men *known* to belong to that class, received at Wakefield during the period, is 323, which will give more than 1,600, probably sentenced again to all the Convict Prisons, being 560 more than the number in the Director's Return, and making the per centage of the reconvictions on the discharges, 17·4 instead of 11·3.

We doubt not that the Return includes all the ticket-of-leave men who have come to the Convict Prisons, and have been *identified as such*. But it is clear that a large number must have come in without being identified. That a larger proportion of them has been identified at Wakefield, may be owing, partly to more pains being taken there, to identify old offenders, and partly to the greater facilities for that purpose, which are afforded by the combination of a Convict Prison with a local House of Correction.

The 560 estimated to have returned to the Convict Prisons, besides the 1,872 given in the Return, added, with the latter number, to the 700 returned to the Local Prisons, according to the *lower* estimate given above, make a total of 3,132 ticket-of-leave men, who have probably returned to prison up to March 31, 1861. But, 57 men of the 9,180 discharged up to that date, returned to the convict department at Wakefield between April 1, 1861, and December 31, 1861; and 12 men, to the West Riding department. If we apply to these numbers the multipliers 5 for the convict, and 28 for the Riding department, we get 621 more of the same number discharged, who have probably returned to prison; making, with the

number given before, a total of 3,753, or 40·5 per cent. on the number discharged.

But if we take the higher multiplier, 38, for the Riding department, required if Scotland be included, we get 4,140 ticket-of-leave men returned to prison, being 45 per cent. on the number discharged, instead of 20 per cent., as shown by the Return.\*

When we consider the number of offences which men like these (who have learnt caution, if nothing else, by punishment, and the tricks of their trade by association with other experienced practitioners) may commit before they are detected—estimated by competent judges at perhaps 20 each†—the amount of crime represented by these figures is frightful to contemplate, especially when we see into how short a period of time it is condensed.

We have seen the fact ascertained at Wakefield, that of the convicts who have come there under fresh sentences, 53 per cent. returned within one year. The Director's own Return when analysed (see Table D) shows a result quite as bad, if not worse. It shows that of the 1,872 returned ticket-of-leave men whom it includes, 1,168, or 62 per cent., came back to *Convict Prisons* before the end of the year succeeding that in which they were discharged. When we remember that some time *may* elapse between apprehension and trial, and that several months frequently elapse between trial and removal to a *Convict Prison* from the Local Prisons, we shall see that, in most of these cases, the apprehension must have been within no long period from the discharge. The crime which led to the apprehension must have been committed within a still shorter period; generally while their

\* See Summary, Appendix, Table C (2), p. 136.

† Evidence, Committee of House of Commons on Transportation, Q. and A., 2018.

original sentence was still hanging over the men, and under cover of 'Her Majesty's royal license to be at large.'

Our numbers and per centages of reconviotions have, of course, no pretensions to be more than rough estimates, founded upon such data as we possess, in the absence of accurate information, which, under the existing system, is probably unattainable, even if the authorities were disposed to give it.

The lower estimate, which gives 40·5 per cent. of reconviotions, falls below the proportion of discharged convicts outside, reported by the police, both in the boroughs and rural districts of the West Riding, as living dishonestly, on the whole number known to them. Omitting on both sides 48, whose 'residence and mode of obtaining a livelihood' the Chief Constable of Sheffield had failed to obtain, we have 244, of whom 107, or 43·8 per cent., were living dishonestly. The higher estimate of 45 per cent. exceeds this; but the three estimates on different bases accord so nearly, as to show that they are not very wide of the mark.\*

The estimates both of 40·5 and 45 per cent. are based upon numbers of men identified, and *known as* reconvioted ticket-of-leave men. When we consider the addition which must be made for the number of men of that class reconvioted without being known to belong to it, we can have little doubt that even the higher per centage of reconviotions, as well as that returned by the police (to whom probably many of the *travelling thieves* are unknown)

\* As it may be said that the above are merely estimates, we will mention facts about which there can be no doubt: viz., that of 119 men sentenced from Wakefield to terms of 4 years penal servitude in the years 1854, 1855, and 1856, 50 have been recommitted up to June 1862; being 42 per cent., already. Of these, 30, being 25 per cent., have been again sentenced to penal servitude. See Table K.

is too low, and that in all probability at least half of the ticket-of-leave men have returned, more or less, to crime.

It may throw some light upon these results, as well as upon the observations which we shall have subsequently to offer, if we review, very briefly, the recent history of that system.

When, about 1836, the English Government became awakened to the frightful evils of the old convict *mis*-management, the Separate System, which had been devised in America, was introduced and authorized by the Act of 1839. The Pentonville Prison was built, to carry out, in its utmost strictness, that system by which the prisoner was to be so completely isolated from his fellows, that if two occupants of adjoining cells met outside the prison, they should not know each other. Commissioners were appointed to watch the results of the experiment, and reported that, 'after five years of close attention and 'experience, they believed the moral result to be without 'parallel in the history of penal discipline.' Nothing could be more satisfactory than the conduct of the men while in prison, utterly secluded from every possible temptation; but unfortunately nothing could be less satisfactory than their conduct when they got out; so that, notwithstanding the great demand for labour in Van Diemen's Land, the colonists there, would not employ them. A *second* stage of more gradual preparation for comparative freedom in the colonies was evidently required, and the public works at Portland were established, where the prisoners work in association, but sleep in separate cells. Thus the convict had to pass through three stages: first, strictly separate confinement; secondly, association on public works; thirdly, probation gangs in Van Diemen's Land. Then followed discharge in the colony on probation-pass, or

## XX THIRD STAGE CUT OFF AND NOT REPLACED

ticket-of-leave, under police supervision. But in 1852 every colony, except the Government establishment of Western Australia, had refused to receive any more convicts, and it became necessary to discharge the greater part at home. Thus the *third* stage of this carefully-devised system was cut off.

Considering the much greater difficulty which the discharged convict has in obtaining employment, and the much greater temptations to which he is exposed, at home than in the colonies; it would seem that a still more carefully graduated system for his readmission to liberty, is necessary in the former case, than in the latter. In England, however, no such precaution was ever taken as to male convicts.\* Beyond the second stage of the Public-Works Prisons, nothing has been done to prepare the public mind to receive the convict and employ him, or to train him to use liberty rightly. The Act of 1853 authorised shorter sentences of penal servitude in lieu of those of transportation, and also authorised the release of convicts at home, on tickets-of-leave, before the expiration of their sentences. 6,700 men were then under sentence of transportation, and these were, from time to time, discharged by ticket-of-leave, unprepared, upon a public, startled at finding itself obliged to consume its own criminality instead of discharging it on distant colonies. Many of the men thus discharged, committed serious crimes. A panic arose. Ticket-of-leave-man became a name of terror. It was applied indiscriminately to every discharged convict.

\* For female convicts the Refuge at Fulham was most laudably devised to bridge over the chasm between strict confinement and liberty. It is, however, questionable whether the public will be found willing to receive into *domestic* service, women from a purely Government institution; which is, for that reason, regarded by them as a prison, even if it do not in itself assume that character.

Whether he were really a ticket-of-leave man, i.e. whether or no any part of his sentence were yet unexpired, the public neither knew nor cared. The authorities and the license-holders alike, concealed the fact as much as possible; and practically it made very little difference, the license being rarely, if ever, revoked unless upon reconviction; although in the 'conditions' printed on every ticket-of-leave it is expressly stated that 'to produce a forfeiture of the license it is by *no means necessary* that the holders 'should be convicted of a new offence.'\* Although the same condition adds that, 'if he associates with notoriously 'bad characters, leads an idle and dissolute life, or has no 'visible means of obtaining an honest livelihood, &c., it 'will be assumed that he is about to relapse into crime, 'and he will be at once apprehended and recommitted to 'prison under his original sentence,'—he knew, and still knows, this threat to be mere *brutum fulmen*, at which he can laugh with impunity. If so disposed, as soon as he has secured his gratuity, he burns his ticket-of-leave, *does* 'associate with bad characters,' *does* 'lead a dissolute 'life,' *does* live without work, under the eyes of the police; from whom the authorities studiously withhold all information about him; and who if, as is often the case, they obtain it *aliunde*, are instructed not to meddle with him, till they can detect him in actual crime. The license professes, in the terms of the 'conditions,' to be a 'privilege' which the holder 'has obtained by his *good* 'behaviour under penal discipline;'† but it was in fact granted to men whose conduct in prison had been exceedingly bad. So far as we can ascertain, it is still,

\* See condition 3, endorsed on ticket-of-leave, Appendix, p. 132.

† Condition 2, *ibid*.



under the Act of 1857, only deferred for a few weeks, or at most a few months, beyond the minimum period assigned by the regulations for carrying out sentences under that Act, in case of gross misconduct.\*

\* A remarkable illustration of the mode in which the ticket-of-leave system has been administered in this country, has lately come under our notice, in the case of J. H., now a prisoner in the convict department at Wakefield. J. H., having been several times previously convicted, was sentenced to seven years' transportation on August 5, 1852. Being then only sixteen, he was sent to Parkhurst, where his behaviour was such that, on February 22, 1856, he was removed to the penal class at Pentonville for eight months, on the ground of *three years' continual bad conduct*. His conduct in the cell at Pentonville, and, we may observe, generally when he was in separate confinement, was 'good.' From Pentonville he was sent to Portsmouth, and on September 4, 1857, he received the 'privilege' which by his good behaviour under penal discipline he had obtained, and was discharged on ticket-of-leave, having two years all but a month of his sentence unexpired. We understood that it was then the practice, before discharging a man on license, to require him to name some person likely to employ him, and to ascertain the character and fitness of such person. J. H. was thus consigned to his own father, who had been described in the form originally sent with J. H. as having been, himself, eight times in prison, and as being the father of 'a family of passers of bad coin.' If we are surprised at this, we are less surprised at what followed—viz., that on October 16, 1857, J. H., having been at large for six weeks, was again committed for fresh crime; that on October 21, 1857, he was convicted and sentenced to four years' penal servitude; that after ten months' 'good conduct' in cell, being sent to Portland, he, there, for 'idleness, insubordinate conduct, and trying to incite other prisoners to follow his example'—in fact for being a ringleader in the mutiny, the alleged ground of which was non-remission of sentence, under the Act of 1853, though his was not of that kind—for this, he received twenty-four lashes, was reduced to third class, adjudged to forfeit past service as regards stages and all gratuity, and was again sent to the cell at Pentonville for five months; again forwarded to Portsmouth, and again, *mirabile dictu*, 'obtained for his good behaviour' 'under penal discipline' another ticket-of-leave on February 21, 1861. He had, then, eight months of his sentence unexpired, which is one month less than the maximum period which, by the regulations, may be remitted in case of 'continued good conduct.' This time, the Discharged Prisoners' Aid Society received J. H., but did not long retain their hopeful *protégé*. After again being at large for six weeks, he was again committed on April 8,

We cannot wonder that the public, alarmed that convicts should be discharged upon them at all, were indignant at the false pretences under which they came out. The panic subsided, as other matters occupied public attention, but it has left behind a deeply-rooted feeling of distrust and suspicion, which is not likely to be eradicated while the present system continues.

The most injurious effect results to the discharged convicts themselves. The ill-disposed are encouraged by the prospect of impunity, the well-disposed cast down by the difficulty of obtaining employment. Their dispositions on discharge are very diverse: some leave prison intending to live honestly; some wavering; some determined to go on in crime. So long as the authorities make no distinction, or none which the public can appreciate, between these different classes, but discharge all as if they belonged to the first class; so long it is to be expected that the public, knowing the fallacy of that assumption, will distrust all alike, and regard all as belonging to the last class, of which it necessarily hears most.

The difficulty which discharged convicts have in ob-

1861, and on August 7 sentenced to ten years' penal servitude, under which he is now at Wakefield, the credentials brought with him being 'character bad, conduct in gaol very good.' Should this system of convict management continue to maintain that 'stability' which we are told it has acquired (Report of Directors for 1860, Memorandum, p. xxxvi.), we cannot but feel an unusual degree of confidence in a calculation of the orbit which J. H. is still likely to describe, founded on the preceding *data*. We cannot but see, 'looming in the future,' Her Majesty's clemency again invoked, to reward, by a remission of two years and some months of sentence, another course of 'good conduct' in separate confinement, and of 'continual bad conduct' for years in association, with a few more mutinies on public works, and to enable J. H. to take another short walk abroad, in order to qualify himself (should nothing more serious occur) for a fourth progress through the deterrent discipline of the Convict Prisons.

taining employment, arises, we firmly believe, far less from that kind of sentiment as to the 'prison brand,' to which it is often attributed, than from a reasonable apprehension that they may prove troublesome or dangerous customers, founded on the knowledge that *some* are of that character; and that no means of distinguishing the worse from the better, have been supplied by the English convict system. Where such means have been supplied to a reasonable extent, the English public have shown themselves by no means unwilling to employ discharged prisoners, notwithstanding the *brand*.

Several proofs of this have occurred within our own direct observation. In the Industrial Home attached to the Wakefield Prison, temporary employment is offered, by the Governor, to every man discharged who chooses to avail himself of it, till he can obtain more permanent employment. He is, of course, free to leave when he chooses, but while he remains he must work and submit to discipline. This test soon *sifts out* those who have no real desire for employment—a considerable proportion. Of those who have shown their earnestness by remaining, to the number of 240, none have failed to obtain other employment; and, what is remarkable, most of them have obtained it in the neighbourhood of the prison, where it must be perfectly well known that they had been prisoners.\*

Many years ago, a Refuge was established at Wakefield,

\* It may be said that this merely shows a peculiar facility for obtaining employment in the West Riding, where, no doubt, the demand for labour is considerable. But this facility ought to diminish the number of reconvictions of ticket-of-leave men, which are often attributed to the difficulty of getting employment; and if it be peculiar to the West Riding, our estimate number of such relapses in Great Britain, founded on the number known at Wakefield, must be proportionately increased.

where females, selected from the prison, were received and trained. The plan has since been interfered with, by the establishment of a Reformatory School for Girls, on the same premises; but while it was continued under its original management, the demand for the women from the Refuge, as domestic servants, was greater than could be supplied; and the same is now the case with respect to boys from the Reformatory Schools, at Calder Farm for the West, and at Castle Howard for the North and East, Ridings of Yorkshire.

In all these cases, the 'prison brand' has not prevented the public from giving employment, when its confidence has been restored by a *sifting* process, separating the better from the worse, as well as a reformatory process, making the bad better.

Frequent reports having reached us, from various sources, as to the application, to convicts in Ireland, of a process of reformation and of sifting, similar in principle,—though modified as its subject matter requires,—to those which we had seen so far successful in this country; it was determined, at a meeting of the Visiting Justices at the Wakefield Prison last autumn, that such members of our body as conveniently could, with the Governor, should visit Ireland, and endeavour to ascertain, by personal observation, the working of the convict system there, and how far it has been successful.

The result of those observations we now proceed to detail, having been hindered from doing so sooner by circumstances which it is not necessary to mention here. The delay, however, has enabled us to bring down some information, as to results both in England and Ireland, to a later date.

For these observations, as well as for the preceding remarks, we, the undersigned, are personally responsible.

E. B. WHEATLEY BALME	} <i>Visiting Justices of the Wakefield Prison.</i>
EDWARD AKROYD	
SAML. WATERHOUSE	
THOS. FOLJAMBE	

*June 1862.*

ON THE  
TREATMENT OF CONVICTS IN IRELAND

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SECTION I.

FEMALE CONVICTS. FIRST AND SECOND STAGES.  
MARK SYSTEM.

4  
We proceeded to Ireland in October 1861, and spent some days in inspecting the convict prisons in and near Dublin, and in inquiring into the general arrangements and results of the system.

We first visited the Mountjoy Prisons. These are two prisons near to, but wholly detached from each other, one for male, the other for female convicts; both being constructed on the same plan as that at Wakefield, with cells for carrying out, wholly or in part, the system of separate confinement.

On our visit to the female prison, before we entered the building, a sight was presented, strange to eyes accustomed to the ordinary mode of dealing

with prisoners. A number of men, perhaps twenty, were employed in working a portion of ground outside the prison, but within the boundary wall. They wore no distinctive dress, but we were informed that they were convicts, who had been sent from the Intermediate Prison at Smithfield to execute the work. It being just dinner-time, they shouldered their spades, the door was opened, and off they set, to walk a mile or more through the streets of Dublin, to their own prison at Smithfield, without physical restraint or guard of any kind, except the one warder who superintended them, himself armed only with a spade.

In the Mountjoy Prison, which we now entered, female convicts pass the whole period of their imprisonment, whereas male convicts pass through the several stages in different localities; but the essential principle of the system as applied to both sexes is the same, viz. that the length of time to be passed in the lower and severer stages, depends, within certain limits, entirely on the prisoner's own conduct.

The following are the stages through which the female convict has to pass. First, the probationary stage. In this the prisoner is kept in the strictest separate confinement, on the lowest diet consistent with the maintenance of health, no animal food being allowed. Such a low diet can be the better borne, inasmuch as labour forms no

part of this stage of discipline; an arrangement founded on the following considerations.

Idleness, and dislike of steady work, are probably the most universal characteristics of the criminal class. We, in England, have sought to correct that evil, by making labour as penal as possible, by the treadmill and the crank—the most irksome and painful forms of work. Even where those have been discarded, we have sought to exact labour merely by the fear of punishment, and as in itself a punishment, and so have associated it, in the prisoners' minds, with ideas the most disagreeable to them. The natural consequence has been that the prisoner, who did not love work to begin with, learns to hate it more than ever; exerts his ingenuity to do the least possible amount of work while he is under coercion; and probably resolves to do none at all when that coercion ceases on his discharge. How well his ingenuity succeeds, appears from the fact that the earnings of all the prisoners throughout England, average about a penny a day; and how well he keeps his resolution, from the number of discharged prisoners who live in idleness — by crime.

The Directors of the Irish Convict Prisons have adopted the opposite plan: they have made idleness penal, work a privilege. The prisoner kept in the strict seclusion of the cell, and forced to be idle, soon feels that to have something to do, would



be a great relief to the intense monotony of his existence. The want of work becomes the severest punishment; so severe, indeed, that were it continued too long, the mind would often give way under it. But for a limited period it seems to produce the best results, in more ways than one. The prisoner, having nothing to distract his thoughts, receives gladly, and therefore profitably, the exhortations of the chaplain, and the instruction of the schoolmaster. Having felt the wearisomeness of compulsory *far niente*, when work is at last given to him, he sets to it with a will, and does his best instead of his least. Here, then, the foundations are laid for the formation of two habits, most important to the prisoner as to everybody: viz. willingness to receive advice and instruction, and to labour.

The probationary period for female convicts at Mountjoy is four months. It may be extended in case of bad conduct during that period, but that is the minimum, unless medical reasons require it to be shortened.

The prisoner then passes into the third class, and here the progressive classification according to conduct begins. A record is kept of the conduct of each prisoner, every month, under the three heads Discipline, School, Industry, founded on the reports of the officers specially in charge of those several departments. The words which characterise the conduct are expressed by their initial

letters, and also by numbers, which are called marks. Thus:—

For Very Good, stands	V. G.	and also	3
For Good	„ G.	„	2
For Ordinary or Indifferent O.	„	„	1

Hence the prisoner's conduct during the month, under the three heads, is recorded by one of the numbers placed under each.

Discipline.	School.	Industry.
V. G. = 3	V. G. = 3	V. G. = 3
Or G. = 2	Or G. = 2	Or G. = 2
Or O. = 1	Or O. = 1	Or O. = 1

The maximum of marks for the month to be obtained by very good conduct is therefore  $3+3+3=9$ .

For each class a certain number of marks is fixed, which must be obtained before the prisoner is entitled to promotion to a higher class. For the third class this number is eighteen, which may be obtained by 'very good' conduct in two months; but any falling short, though only from 'very good' to 'good,' in any one department, causes a failure to reach the required number of marks in the two months, and prolongs the detention of the prisoner, in the lower class, one or more months beyond the minimum period, until the fixed number be attained.

If the prisoner's conduct be reported as Bad in any of the departments, it is recorded by the letter B, and all marks gained during the same month

are forfeited; if it be very bad, by V B, with the same loss of marks for the month, and the liability to have the period of detention in the same class yet further prolonged; or to be degraded to a lower class, at the discretion of the governor, or other superior authority, in addition to any punishment which may be awarded for a specific offence in the prison.

The number of marks to be gained in the second class, in order to promotion from it to the first, is fifty-four. This may be attained by exemplary conduct in six months, in the same way as before, but the time is equally liable to be prolonged by any short-coming in conduct.

In the first class, 108 marks, and therefore a minimum period of twelve months, are required for promotion into what is called the Advanced Class; so that the shortest period in which the prisoner can, by unfailing good conduct, attain that position, is two years from the time of admission.

The period of time to be passed in the advanced class depends upon the length of the original sentence, according to the subjoined scale \* (p. 7).

Thus, a prisoner sentenced to three years of penal servitude must be two months in the Advanced Class; which, with the two years required for the previous stages, make the minimum period of

\* This scale applies to sentences under the 20th and 21st Vict., c. 3, 1857. The scales as to sentences of transportation and those of penal servitude, under the Act of 1853, are somewhat different, but these are dying out.

imprisonment under that sentence two years and two months. Under a seven years' sentence the minimum period is four years; twenty-four months being, in that case, required for the Advanced Class.

No marks are given in the Advanced Class, but the record of the prisoner's conduct is marked A 1, A 2, &c., so as to indicate the number of months she has passed in that stage. Any misconduct renders her liable, at the governor's discretion, to have the month in which it occurs not counted, and so the time before liberation prolonged by a month. More serious misconduct subjects her to be degraded to a lower class.

In each progressive stage some relaxation in the severity of discipline, is allowed. In the third, as compared with the probation class, the privilege is

Class and number of marks to be gained for admission to the Refuges for different Sentences.	Sentences.	Shortest periods of imprisonment.			Earliest periods from termination of sentence at which eligible for licence to be passed either in whole or part at the Refuges.	
		Years.	Yrs.	Mths.	Years.	Months
Class 2 A, or 2 months in A Class,	3	2	2		0	10
" 10 A, " 10 "	4	2	10		1	2
" 18 A, " 18 "	5	3	6		1	6
" 21 A, " 21 "	6	3	9		2	3
" 24 A, " 24 "	7	4	0		3	0
" 32 A, " 32 "	8	4	8		3	4
" 48 A, " 48 "	10	6	0		4	0
" 63 A, " 63 "	12	7	3		4	9
" 72 A, " 72 "	15	8	0		7	0

to have a better diet and *work*. How great a privilege the latter is felt to be, has been mentioned before. In the second class, the cell-door is open, half the day. Though this is only the case on one side of the corridor at once, so that the prisoner cannot see her opposite neighbour, yet that slight link of intercourse with society, is felt to be a privilege which, as well as that of having work, those only who know the effect of strict separate confinement, can appreciate.

The prisoners in the first and the Advanced classes, work in association, in the laundry, at needlework, and in the cleaning and other necessary work about the prison.

Money gratuities are also given, increasing from a penny a week in the third, to sevenpence in the Advanced Class.

The effect of these arrangements—which, though they appear somewhat complicated in description, are found to be perfectly simple and intelligible in practice,—is to make the prisoner feel constantly that the alleviation of her punishment, and its duration between the prescribed limits of the original sentence and the minimum period assigned, depend entirely upon her own conduct.

Her progress is kept constantly before her own eyes and those of others, by a badge worn on the left arm, which is changed every month, and has inscribed upon it three lines of figures. The upper line shows the number of marks to be obtained in the

class to which the prisoner belongs, in order to promotion a step higher; and as this number is different for each class, it also indicates which class she is in. The lower line shows how many marks towards this number she had attained up to the end of the last month. Three figures on the middle line, show how many marks she obtained during the last month under each of the heads, Discipline, School, and Industry, as before explained; so that if she have got less than 3, the number for Very Good conduct, under one or more of those heads, she knows wherein she has failed and must seek amendment in her behaviour, or to be set right, if she thinks the marks have been unjustly assigned.\*

Under this system, we learnt that about seventy-five per cent. of the female convicts obtain a remission of their sentence, greater or less, in proportion to their conduct in prison. The remainder are kept the full term of their sentence.

\* The Superintendent of the Female Prison (then at Cork), observing on the 'improvement in the conduct of prisoners generally,' says: 'This improvement I attribute, in a very great degree, to the system of classification, which the prisoners now begin thoroughly to understand. Though it is quite possible the majority of them could not explain it if required, I may say there is not one who does not fully comprehend the cause and disadvantage of losing a mark, and who will not be ready to remonstrate if deprived of it. In every case where a mark is taken away from a prisoner, she invariably seeks to be informed of the reason why she should lose it;—a fair indication that it is considered of importance to retain it.' — *Fourth Report Irish Convict Prisons*, p. 114.

## 10. EFFECTS OF MARK SYSTEM, TO RAISE A TRUER

This system applies equally to male convicts, and we may observe, generally, that,—though the arrangement according to which the prisoner's conduct is measured by marks, and his progress made to depend on the attainment of a certain number of those marks, appears merely mechanical,—it is all-important in this respect, that it places his fate, to a great degree, in his own hands. Of course the assignment of marks each month, depends upon the judgement of the officers in whose immediate charge the prisoner is placed. But that judgement must be recorded within the month, while the facts are fresh in the recollection of every one concerned. The prisoner has his appeal if he thinks the judgement unjust. When it is recorded, it stands good for him as well as against him. Good conduct thus recorded becomes to him a possession, of which a certain stock ensures him certain privileges. Not only actual misconduct, but any falling short of doing his best, entails upon him a sensible loss, *ipso facto*, without the interference of the authorities, which self-love might induce him to attribute to caprice, or whom he might hope to propitiate or deceive, by hypocritical pretences, without real effort to do well.

By this means, too, a much higher standard of good conduct may be set up, than can be set up under a system which merely seeks to enforce good conduct by the fear of punishment. Good conduct in prison, has, for the most part, a merely negative

character. It consists, chiefly, in such a non-infracture of prison regulations as may keep the prisoner clear of punishment. Hence the common saying that the 'worst men often are the best prisoners,' because the same cunning which is exercised in crime, combined with much experience of prison life, and the absence of opportunity and temptation, often enables such men to practice this negative good conduct.

But, by an arrangement such as that described above, in which conduct is measured by marks, the administrators of prison discipline are enabled to take cognizance of the prisoner's conduct, not merely in this negative, but in a positive sense. They can exercise their judgement as to whether he is really exerting himself to do his best, or is merely steering an artful course; and can assign the marks according to that judgement, though the prisoner may be cunning enough to keep clear of actual punishment. Punishment can only deal with overt acts; but the remission of a portion of the sentence of imprisonment and the mitigation of its severity, being matters of favour, may fairly be made to depend upon an estimate, not only of the prisoner's acts, but also of his will and intention. Hence, the system tends greatly to remove that common anomaly, by which prison-authorities are often obliged to give a 'very good prison character' to a man whom they know to be a thorough scoundrel. The record made, month by month, of the prisoner's



## 12. HABIT OF ACTING WITH REGARD TO THE FUTURE

conduct, viewed in this light, becomes a fair, though not of course an infallible, index of his character.

The prisoner is thus trained to see, that, in exerting himself to do his best, he is directly promoting his own interest; and instead of acting in antagonism to the authorities, he learns to work *with them*, knowing that by so doing he is working *for* himself.

It may be said, and it is undoubtedly true, that such conduct may be actuated by secondary motives rather than by high principle. But who in the world is not actuated by secondary motives? How many act purely on the highest principles? Are we to expect, in the convict, that which we scarcely find in the saint? It has pleased God so to order the world that men shall be actuated by self-interest, *rightly understood*. The difference between the good man and the bad, is, that the latter mistakes the present gratification of his passions for true self-interest. If, by such means as have been described, you can train the criminal to forego present gratification of his passions and appetites, in hope of obtaining a distant future benefit, you are helping him to take a great step in the right direction; you are helping to correct that evil habit of looking only to present gratification, which, doubtless, in some way or other, caused his fall, and to form an opposite habit of acting

with future consequences in view. Let religion further teach him the higher sense in which,

‘If we rightly measure,  
Man’s joy and pleasure  
Rather hereafter than in present is ;’

let it show him the true means to attain that great end of his existence; and the same habit of acting with constant regard to something hereafter, becomes a part of the highest character attainable on this side the grave.

## SECTION II.

## FEMALE CONVICTS. THIRD STAGE.

THE woman when discharged from Mountjoy Prison, having obtained some remission of her sentence under the system described above, is not turned adrift to sink or swim as she may. She goes out on licence, which, however, is not a licence to be at large everywhere in the United Kingdom, but restricting her, at first, to one of several institutions, called Refuges,—which have been established by private benevolence for the purpose,—where her conduct is further tested, and whence, when she is considered fit, a situation is generally obtained for her.

The wisdom of this arrangement is unquestionable. Employment for females is not abundant in Ireland. Domestic service is their chief resource. But it was not to be expected, that respectable people should be found willing to receive women into their houses, direct from a convict prison. Everybody knew that they must have committed serious crime to be sent there. Of what was done within those mysterious walls the public knew little, but they saw that prisoners were kept

in by strong gates and grated windows, and if at any time seen abroad, were seen in chains. The natural inference was, that prisoners were dangerous animals, whom nothing but the strong arm of the law, and the most powerful physical restraint, could keep out of mischief. Private persons, armed with no such powers, naturally, and not unreasonably, shrank from having anything to do with such creatures, and declined to receive them. The door of domestic service being thus closed against the discharged prisoner, and few others being open to her, the temptation to seek subsistence by immoral or criminal means, was fearful.

The Refuges meet this difficulty. The mere fact that they are conducted by private persons, in ordinary houses\*, gives confidence to the public, because it shows that these women may be controlled without the formidable appliances of a prison. It is felt, that good conduct under circumstances so much more nearly resembling those of ordinary life, affords a degree of security for future good conduct *in* ordinary life, which cannot be deduced from any kind of behaviour, however exemplary, under the duress—the exceptional and

\* The Protestant Refuge is an exception. An old prison is made use of for it. Whether or not it be *propter hoc*, it is certainly *post hoc* that we learnt that more difficulty is experienced in obtaining situations for the women who leave it (notwithstanding their remarkable industry, as we shall presently see) than for those who leave the Roman Catholic Refuges.

unnatural circumstances of prison life. Hence, — from no mere sentiment as to the prison brand, but for reasons well founded, though perhaps not often distinctly analysed, — many persons are found willing to receive women into domestic service, in the one case, who would shrink from them in the other. We visited two Refuges in Dublin — a larger one for Roman Catholic women, who are the most numerous, at Golden Bridge, and a smaller one for Protestants in Heytesbury Street.

The former is conducted by Sisters of Mercy, some of whom were ladies of high social position. A part of the establishment is devoted to a Reformatory School for girls, which is kept separate, but is under the same management. The ladies superintending both departments expressed very strongly, as the result of their experience, the opinion — so contrary to our ideas on this side of the Channel, but which we found universal among those conversant with the question in Ireland — that the adults are much more easily managed than the juveniles: that while the latter are sometimes troublesome, the former are generally found exhibiting the most willing obedience to discipline, and that, among them, misconduct of any kind is extremely rare. Considering that many of them are women who have been convicted over and over again, the fact speaks volumes for the salutary effect of the training they have previously undergone in prison. No difficulty was said to be

found in procuring situations for them, which shows how well the Refuge answers the purpose for which it was intended.

The Protestant Refuge is under the charge of a matron, superintended by a Committee of lady-visitors. We were much struck by the apparent industry displayed in the wash-house and laundry. On examining the accounts, and taking the amount of money received from private individuals for washing and laundry-work during the last three months — making a full allowance for fuel, soap, delivery, &c.,—we found the earnings to average about six shillings a week for each woman employed. As far as we could ascertain the rate of wages for similar work in the neighbourhood, this appears to be nearly what an ordinary charwoman would be able to earn. The women in the Refuges are credited with a gratuity of two shillings a week, but beyond this allowance the institution has the whole benefit of their labour. That, under these circumstances, women—and those women convicts—should be found to work as hard for the benefit of the institution in which they are detained, as they would for themselves out of doors, appears to us a result of very high import in a moral as well as a financial point of view. It shows that an influence, yet unknown on this side the Channel, has been brought to bear on the correction of that fault which is the special characteristic of the criminal class, viz. dislike of hard work.

We have learnt to regard, with extreme scepticism, statements of prisoners' earnings, which are founded on any *estimated value* assigned to their work, or which are merely matter of account between one Government department and another. The only true test of the value of work, as of any other article, is what an independent customer will pay for it. This test we applied, at the Refuge, by an examination, not of any prepared account, but of the actual receipts in the cash-book, suggested and made by ourselves on the spur of the moment.

Tried by this test, we believe the earnings of the prisoners at Wakefield, exceed those in any other English prison; but the highest yearly average has been 8*l.* 15*s.* 10*d.* in the convict, and 6*l.* 11*s.* 2*d.* in the West Riding department, where the prisoners remain for shorter periods. In the Industrial Home founded by the Governor for discharged prisoners, the same man, working for himself, is found to do three times the quantity of work he did when working in, and for, the prison.

A high *estimated* value has been assigned to the labour of the convicts on public works at Portland; but a very competent witness on that point, Mr. Coode, Engineer to the Admiralty, stated before the Committee of the House of Commons on Harbours of Refuge in July 1857 (question 1544), that the efficiency of convict-labour there, as compared with free labour, was nearly as 1 to 2½ or 3.

We have yet, therefore, to look on this side the Channel for any parallel to the labour of the poor women in the Dublin Protestant Refuge.

The Refuges are, like our Reformatory schools, private institutions, but under the inspection of the Directors of Convict Prisons, and receive, from the Government, seven shillings a week for each inmate, two shillings of which are allowed to her as gratuity on discharge.

No provision is made in them for punishment of misconduct, but the woman misconducting herself is sent back to prison, her licence being revoked. This course has been required in only 16 cases out of 443, during six years from the institution of the Refuges up to March 1861.

The time a woman must remain in the Refuge depends upon her original sentence, according to the scale p. 7, and her conduct. When the managers consider her fit for a situation they place her in one, her licence being extended by the Government for that purpose. If she be considered not fit for a situation, she is detained until the end of her sentence; so that the principle, that the prisoner should not be discharged upon the world until her conduct justifies the discharge, is carried to the utmost limit allowed by the judicial sentence, and the law which regulates it.



## SECTION III.

## MALE CONVICTS. FIRST STAGE.

WE return now to the Mountjoy prison for male convicts. Here, these are kept, not like the females for the whole of their imprisonment, but only for the first, or probationary, stage. The period assigned to this stage, for them, is nine months; but it may be prolonged, in case of bad conduct, to eleven or twelve months, or reduced by very good conduct to eight. Most of the prisoners, in fact, obtain this reduction. This stage is passed in strictly separate confinement, broken only by school, chapel, and exercise in the ring, as with the convicts at Wakefield. It differs from the latter in that, for the first three months, the prisoner has no work except the monotonous picking of oakum. This, as was mentioned before, is done designedly that the prisoner may feel the irksomeness of idleness, and may look upon work as a privilege. When the time for more interesting employment comes, those prisoners who have a previous knowledge of any handicraft capable of being carried on in prison, are employed upon that, while the others are put to simple work, such

as boot-closing or mending, which does not require much supervision. The Directors consider it a waste of time and money, to employ skilled instructors in attempting to teach the prisoner a trade, of which he can rarely acquire more than a very imperfect knowledge during the time of his separate confinement, and which is useless to him both in the subsequent stage of public works, and in after-life.

The diet, as in the case of females, for the first four months, contains no meat. On this subject, the medical officer of Mountjoy prison observes in his report, January 1860—‘ Since October 1858, flesh ‘ meat has been omitted from the diet of all healthy ‘ adult prisoners received into this prison during the ‘ first two months after their reception. A sufficient ‘ time therefore has now elapsed to enable me to form ‘ an opinion as to this arrangement. I am happy to ‘ be able to report favourably of this modification ‘ of diet, having given the subject the closest attention, and feel justified in recommending, that ‘ in the case of *robust adult* prisoners the “reception diet ” shall be adopted during the first four ‘ months of confinement in this prison.’ The prisoner is allowed a better diet for the remainder of his time at Mountjoy, in order to prepare him for the harder labour of public works.

A doubt having been suggested, by what we heard and saw of prisoners in the later stages of their imprisonment, and after discharge, as to

whether they really were of the same criminal class as our English convicts, we examined such specimens of the *raw material*, so to speak, on which the Irish system has to work, as this prison presented. Photographs have been taken of the prisoners on their admission; and certainly, making every allowance for the well-known fact that the photograph does not flatter, a series of physiognomies expressing more unmitigated ruffianism, than the volume of portraits which we saw, presents, it were difficult to conceive. The living specimens, whom we visited in their cells, had no less the aspect of knavish cunning or sullen brutality, with which our experience at Wakefield has made us familiar. We saw men, with whom a tête-à-tête interview produced a sensation decidedly disagreeable, and whose look afforded some excuse for the precaution, objectionable as it seemed to us, by which the warders are armed with truncheons, 'in case,' as was said, 'of an attack by a wicked prisoner.'

The records of the offences for which the prisoners were convicted, also show that they are persons of much the same class as those with whom we have to deal in the English convict prisons, thieves and burglars forming a large majority.

Our experience as regards the Irish prisoner in English prisons, has not led us to believe that he is of more amiable character, or easier to manage and reform, than his 'erring brother' born on this side the Channel.

The character of the Irish convicts, previous to the introduction of the improved discipline, was so exceedingly bad, that a special request was sent from Western Australia, Sept. 1854, that no more of them might be sent to that colony, though it was willing to receive English convicts. The Superintendent of Convicts, in his report of that date, observes: 'It may be remarked as a noticeable feature in the idiosyncrasy of the Irish prisoners, that is to say, those who arrived direct from Ireland, and who had not undergone the present discipline held applicable to convicts sentenced in England, that there appears to be a *singular inaptitude to comprehend the nature of moral agencies or to be affected by them*; neither do they seem to understand the desirableness — we will say of self-reliance—or the necessity for the exercise of habits of propriety, industry, and prudence, as a means towards extricating themselves from the consequences of their former errors. With them—whether it be the result of bad management or not I am hardly prepared to say,—but *coercion appears to be the only force they are capable of appreciating*.'

After such testimony as to the past, and our own observations as to the present, when we find the remarkable extent to which it has been found practicable to carry the abandonment of 'coercion,' and the substitution of 'moral agencies,' in the later stages of the Irish convict discipline, and the satisfactory

24 IMPROVEMENT NOW, DUE TO THE SYSTEM

results which have followed, we feel bound to attribute those results rather to *good management*, and the excellence of the system, than to any antecedent superiority in the character of the Irish convict.

## SECTION IV.

## MALE CONVICTS. SECOND STAGE.

HAVING completed their period of separate confinement, those who understand any trade capable of being carried on in prison, and those who, through weak health, are unfit for public works, are transferred to the prison at Philipstown,\* about forty miles from Dublin; the rest, to Spike Island in the Cove of Cork.

We were prevented from visiting either of those places by want of time.

At Spike Island, we learn that, the prisoners are chiefly employed in the construction of fortifications. The Directors complain of the misapplication of labour, by which men are set to do the work of horses, and of other inconveniences, which arise from responsibility being divided between two Government departments; one of which is answerable for

\* The Philipstown prison, we learn, has since our visit been closed, as several other prisons have already been, owing to the great reduction in the number of prisoners which has followed upon the improved system. The class of prisoners formerly sent there, are now kept in one wing at Mountjoy.

the moral control and training of the convicts, and the other for the execution of the work.

At Spike Island,—as at all the Irish convict establishments, excepting those at Mountjoy,—the Directors seem to have few advantages in the way of prison construction. Instead of putting the country to a heavy expenditure, to increase, and perfect, prison accommodation, they seem to have set themselves to work to diminish the number of prisoners by moral agencies, with a success which is the more remarkable, as having been attained with the aid of very imperfect physical appliances. When they began their work, the prisoners at Spike Island were crowded together by night as well as by day, to the number of 2,200, in large barrack rooms. By degrees, and chiefly by the labour of the prisoners themselves, these have been divided, by means of corrugated iron partitions and wire netting, into separate sleeping cells, at a cost of about 4*l.* for each cell. These are so constructed as to be easily removable. When additional space was required, it has been obtained by the erection of simple iron huts, also easily removable.

The prisoners who leave Mountjoy without a good character, are still detained in the probationary class till their conduct justifies their promotion to the third class, in which those who come with a good character, are placed at once.

From this stage, the prisoner's progress upward

in classification, depends upon his own conduct, measured by marks, in the same way as before described with respect to females.

Some advantage is gained at each step upward, but the early stages are slow and laborious. In the third class the prisoner is allowed a gratuity of a penny a week, in the second of twopence, in the first of threepence, for the first six months, and fourpence for the next six months. The minimum period required to pass through these three classes, is twenty months; and the minimum probationary period for male convicts being eight months, during which no gratuity is allowed; it takes two years and four months of unexceptionable good conduct to earn a gratuity of 1*l.* and to reach the Advanced Class.\*

In the Advanced Class, sevenpence a week is allowed for the first six months, and ninepence a week for the rest of the time the prisoner remains in it. This time depends, as in the case of females, upon the original sentence, but according to a different scale, subjoined. (See note, p. 28.)

The prisoners in the Advanced Class are kept entirely separate from the others, and are allowed greater liberty. They may go on shore, or are employed on the mainland, under the direction of a single warder. They are thus gradually

\* An English convict in the same can earn 5*l.* 9*s.*—Memorandum by Sir J. Jebb, 1861, p. xxvii.



prepared for the still greater liberty allowed in the next stage, viz. the Intermediate Prisons.\*

\* SCALE.

Class and number of marks to be gained for admission to the Intermediate Prisons for different sentences.	Sentences.	Shortest periods of imprisonment.		Periods of Remission on licence.
		In Ordinary Prisons.	Shortest period of detention in Intermediate Prisons.	
Class 1st, $\frac{108}{90}$	3 Yrs.	Yrs. Mths. 2 2	Yrs. Mths. 0 4	The periods remitted on Licence will be proportionate to the length of sentences, and will depend upon the fitness of each Convict for release, after a careful consideration has been given to his case by the Government.
„ 6 A or 6 mths. in A Cls.	4 „	2 10	2—6 0 5	
„ 14 A „ 14 „	5 „	3 6	3—3 0 6	
„ 17 A „ 17 „	6 „	3 9	4—0 0 9	
„ 20 A „ 20 „	7 „	4 0	4—6 1 3	
„ 28 A „ 28 „	8 „	4 8	5—3 1 4	
„ 44 A „ 44 „	10 „	6 0	6—0 1 6	
„ 59 A „ 59 „	12 „	7 3	7—6 1 9	
„ 68 A „ 68 „	15 „	8 0	9—0 2 0	
			10—0	

The somewhat mysterious symbol 'class 1st,  $\frac{108}{90}$ ,' in the first column, signifies that a man under a three years' sentence is admitted to the Intermediate Prisons when he has obtained 90 out of 108 marks required for other sentences in the

first class, which may be done in ten months, without passing through the Advanced Class at all. A four-years' man must complete the 108 marks, or a minimum of twelve months, in the first class, and then six months more in the Advanced Class, before being admitted to the Intermediate Prisons. The following table shows how a three years' and seven years' sentence may be passed by a very well-conducted prisoner :—

	Years. Months.		Years. Months.	
In Probation . . .	0	8	0	8
Third and 2nd Classes. .	0	8	0	8
First Class . . .	0	10	1	0
Advanced Class . . .	0	0	1	8
Intermediate Prison . .	0	4	1	3
On Licence . . .	0	6	1	9
	<hr/>		<hr/>	
Years . . .	3	0	7	0

## SECTION V.

## MALE CONVICTS. THIRD STAGE.

*Intermediate Prisons.*

THE difficulties produced by the cessation of transportation, appear to have been even greater in Ireland than in England, the change being more sudden. Up to 1853 *all* Irish convicts, with few exceptions, were sent to the colonies; since then not one.\*

It was under the pressure of this crisis, viz. in November 1854, that the Board of Directors of Convict Prisons for Ireland was appointed, consisting of Captain Crofton (chairman), Captain Knight, since succeeded by Captain Whitty, and Mr. Lentaigue, who has recently resigned and taken another office.

The Irish convicts had, up to that time, been very badly managed, and their character had attained such a bad preeminence, that, as we have already seen, Western Australia protested against being saddled with them.

The Board of Directors very properly abstained from pressing such men even upon that compliant

\* 5300 convicts were sent from Ireland to the colonies, from 1849 to 1853.

colony. To a statement to that effect in their First Report for 1854, they add (p. 5) — ‘ The same feeling which prevents our inflicting, on a colony, convicts who have not been subjected to a proper course of prison discipline, also precludes our bringing forward prisoners for discharge in this country on Tickets of Licence, as in England. We consider such “ Ticket of Leave ” to be a *sort of guarantee to the community*, that, in consequence of a prisoner having been subjected to a proper course of prison discipline and reformatory treatment, he *is considered a fit subject to be received and employed* by those outside the prison. Such reformatory course not having hitherto been pursued in this country, we have not felt ourselves justified in recommending the issue of Tickets of Licence.’

This resolution involved no small sacrifice, inasmuch as the Directors had then 3,427 convicts on hand, with accommodation proper for only 3,210. Its adoption is the first instance we remark of that consideration for the public, and of keeping perfect good faith with them, to which, no doubt, is due much of that remarkable confidence which the Directors have gained. The great difficulty was to obtain employment for the discharged convicts. It has been alleged that there is in Ireland a certain sympathy with the criminal, which renders it easier for him to obtain employment, there, than in England; but this, we are assured, is a fallacy: that any such sympathy is strictly limited to the per-

petrators of that particular class of crime known as 'agrarian,' who form a very small fraction of the convicts. For thieves and burglars, who form the mass, so far is there from there being any sympathy, that in no part of the world are they more shunned. Instead of shirking this difficulty by turning their men abroad, to shift as they could, the Directors set themselves to consider the true cause, and to apply a remedy, which they thus propound in their Second Report (p. 23):—'We are of opinion 'that the employment of convicts, selected on account of their general good character, &c., in small 'bodies on public works, in various localities, under 'circumstances of exposure to the ordinary temptations and trials of the world, where the reality and 'sincerity of their reformation may be fairly and 'publicly tested, will present the most favourable 'chances for their gradual absorption into the body 'of the community. / The public feeling is too 'general that all convicts are alike, and they are 'judged by the standard of the lowest and most 'degraded. Such being the case, it is not to be 'wondered at that all respectable classes shrink from 'contact with them on their release from prison, 'as indeed they may well do, so long as they have a '“prison character,” only, to refer to, earned under 'strict discipline, surveillance, and restraint. It is 'doubtless an established fact, that many of the 'worst and most hopeless criminals will behave 'well under such circumstances, and will conse-

'quently obtain on discharge a good "prison charac-  
 'ter;" therefore what guarantee can anyone have  
 'that in giving employment to a released convict  
 'he is not harbouring a depraved and irreclaimable  
 'criminal, if he has no means beyond this "prison  
 'character" of learning anything of him? It is  
 'well known to all who are acquainted with the  
 'class to be found in our convict prisons, that they  
 'present every description and shade of character,  
 'and very various degrees of guilt, crime, and  
 'depravity; that many of the inmates have fallen  
 'from weakness, distress, and force of circum-  
 'stances, rather than from innate and absolute  
 'natural vice; some are hardened by a longer  
 'career in vice and crime, though still not desti-  
 'tute of all proper feelings, nor without some good  
 'ground for hope of their ultimate sincere repent-  
 'ance and permanent reformation; while others,  
 'it must be admitted, are, humanly speaking,  
 'altogether vicious, almost dead to any good im-  
 'pression, and hopelessly "irreclaimable;" but this  
 'last class is comparatively small. We hope, by  
 'means of a careful selection of convicts according  
 'to their general as well as their "prison character,"  
 'by their employment in small bodies in various  
 'localities comparatively as freemen, though under  
 'surveillance, that the public will gradually become  
 'convinced of the difference to which we have  
 'alluded, that many of these men are not utterly  
 'irreclaimable, and that by degrees they will

‘ become willing to extend a helping hand to such  
‘ as may really prove themselves deserving of their  
‘ aid and encouragement.

One of the first places in which the experiment was tried was Fort Camden, at the entrance to Cork Harbour. Of this the Directors say: ‘ This locality, although the best we can at present command, is not altogether suitable for the objects we have in view, inasmuch as, being in a comparatively remote position, the convicts subjected to this probation are not thrown into the world as much as we could wish, and therefore are not placed under circumstances which present sufficient trials to afford altogether satisfactory tests of the extent to which confidence may be placed in their future good conduct, and the reality and stability of their reformation; but their employment here will afford opportunities of testing in a considerable degree their good intentions, and of judging their fitness to be trusted under circumstances presenting all the temptations of ordinary life. We propose therefore, even when we obtain works more suitable for the objects we have in view, to draft the selected convicts from Spike Island to this Fort in the first instance, before trusting them under circumstances of greater exposure, which will enable us the better to sift the really deserving from those who do not give much fair promise.’

We have quoted these extracts, though long, as

explaining the views with which the Intermediate Prisons were established. The last especially indicates three conditions most essential to their success.

First, the probation to which the prisoner is subjected before discharge must afford some *real test* of his power, and will, to resist the temptations of ordinary life.

Secondly, it must be conducted with sufficient publicity to satisfy the community at large, as to its real character. Public confidence cannot be gained by a system secluded from general observation, and veiled in official mystery.

Thirdly, the prisoner's progress to a position of less restraint and greater temptation, must be very carefully graduated. The sudden jump from strict restraint to liberty, is dangerous both to the convict and the community.

Such being the views and anticipations with which the Intermediate Prisons were founded, we have now to see how far they have been realised.

Fort Camden having, as we are informed, answered its purpose well, has recently, owing to the diminished number of convicts, been dispensed with.

We visited the remaining Intermediate prisons at Lusk and Smithfield.

Lusk is a village about twelve miles from Dublin. Powers were obtained by Act of Parliament to enclose an open common there, previously



occupied only by 'squatters.' Two huts of corrugated iron, each capable of holding fifty men, were erected at a cost of 320*l.* apiece. A portion of each hut is partitioned off for a warder to sleep in, and the rest serves both as day-room and dormitory for the convicts. A cook-house, and offices of the simplest possible character, stand, with the huts, in an enclosure bounded by a mud wall a yard high. A few cottages for warders scattered about the common, complete the whole *matériel* of the 'prison.' All the usual features of a prison may be said—with something of the idiom of the country, though not without high English authority for the phrase—to be 'conspicuous by their absence.'

As to the *personnel*, we found at the time of our visit about sixty convicts in charge of five warders. The truncheons we saw at Mountjoy have no place here, and other weapon or chain there is none.

The obvious question to ask first is—Do not the prisoners often escape? Of more than a thousand men, we are told, who have passed through the prison, only two have attempted it.

There is a military guard? No. There are police? The answer is instructive. When the establishment at Lusk was first proposed, the residents in the neighbourhood, were, not unnaturally, somewhat alarmed at the idea of having a number of thieves and burglars encamped in open quarters near them.

To calm these apprehensions, it was proposed that the constabulary should have a station on the common. An iron hut which had been erected elsewhere was brought and set up for the purpose. But no police ever came, for there has never been found the slightest need for them. We were assured by Mr. Cobbe, a magistrate having large property, and himself resident within a few miles, that so unexceptionable has been the conduct of the prisoners, that he has never heard any complaint whatever, of misconduct on the part of the prisoners, either within the establishment, or outside.

Is, then, the non-escape of the prisoners owing to the place being made so comfortable to them that they have no wish to leave it? We certainly failed to find any evidence of such comfort. The men sleep in hammocks in the hut, and all that one can say is, that while they are inside it, they have shelter; but the moment they leave it, they are exposed to every wind of heaven, and to all the rain of that humid climate. In point of mere physical comfort, the advantage is altogether on the side of an Ordinary Prison, to say nothing of a well-warmed cell at Wakefield or Pentonville. We found most of the men, at the time of our visit, working up to the middle in drains, than which few employments conduce less to comfort. The diet is stated to be not more than the medical officers consider to be necessary for the maintenance

of health, and fitness for the hard labour and exposure to which the men are subjected. Table E in the Appendix shows that the diet at Lusk is lower than that at Portland, except in *potatoes*.

The gratuity is half-a-crown a week, which is rather more than in any one stage at Portland. But it is so much lower in all the previous stages, that a convict, under a four years' sentence, in Ireland, can only earn half the amount which he could earn, under a similar sentence, in England.

The men at Lusk are allowed to spend sixpence a week of their gratuity; and we were told that many of them buy bread with it, — an indication that the diet allowed to them is not excessive.

On the whole we saw no appearance of any indulgence to induce men to remain, as they do, without physical restraint, and submit to strict discipline.

We have mentioned one independent source, from which we heard of their general good conduct. Another was the rector of the parish, who informed us that the Protestant prisoners attend service at the village church, and conduct themselves with as much propriety as any others of the congregation.

The aspect of the men whom we saw confirmed the information we received. Neither in dress nor appearance were they distinguishable from ordinary labourers, except, perhaps, as having a somewhat more subdued and staid demeanour. The bailiff, who was superintending their work, told us

that, having had charge of gangs of labourers in many parts of Ireland, he had never found men more tractable or willing to work than these prisoners; adding, what would rarely be the case with free labourers, that an oath or indecent expression was unheard among them. This statement was confirmed by the other officers. It was difficult to conceive, that these were men of the same class as those whose scowling, or knavish visages, we had seen in photograph or in flesh, in the first stage at Mountjoy; yet undoubtedly they had passed through that prison.

How, then, are the men who are to come to the Intermediate Prisons, trained and selected? It is clear that everything must depend upon this. It is clear that if a number of convicts such as we saw at Mountjoy, were taken indiscriminately, and placed, at once, in association by day and by night, under such circumstances as we saw at Lusk, the result would either be, that,—as was prophesied when the plan was proposed,—there would not be a man left next morning; or, if escape were by any means prevented, the old evils of association, or even the abominations of the hulks, would be reproduced.

Yet, on the other hand, if only the very best men were picked out to come to the Intermediate Prisons, and the general mass of convicts excluded, the result of the system would be small; for those men might probably have done well without it.

The principle of selection we have in part already seen. It is this:—

No man convicted of murder or unnatural crime, ever comes to the Intermediate Prisons, nor any under sentence for life, unless the sentence be commuted. But, with these exceptions, every convict who has attained the number of marks required to work out his sentence, according to the scale described above, is admitted as a matter of right. To a certain extent, therefore, the men may be said to select themselves. With the exceptions we have mentioned, it is open to every man, by a certain amount of good conduct in the Ordinary Prisons, measured in the way described, to obtain the privilege. It appears that about 75 per cent. of the whole number of convicts do in fact obtain it; a considerable proportion of those who do not obtain it, being excluded by the nature of their offence and sentence, as mentioned above, as well as by failure of health, commutation of sentence, &c.

Of the men sentenced under the Act of 1857, taken by themselves, 80 per cent. attain the Intermediate Prisons,—the remission of sentence allowed under that Act affording a stronger inducement to good conduct.

As it has been alleged that only the least criminal class of men are admitted into the Intermediate Prisons, we ourselves carefully examined the registers; and found, that, out of a hundred names

taken consecutively in the register, eighty four \* were those of old offenders,—that is, of men who had been convicted previously to the offence for which they were sentenced to the Convict Prisons ; and we were told that generally they are, for the most part, men who formerly made crime their vocation, casual offenders being the exception.

There can be no question, that the good dispositions of men placed in a position so nearly approaching to liberty, and under such an entire absence of physical restraint, are severely tested. Some of us were inclined to doubt whether the test be not too severe ; whether, especially, the association by night is prudent, considering the evils which have resulted from it under previous systems of prison management.† On the other hand, we are told,

\* The difference between the great majority of these prisoners, and the perpetrators of *agrarian* crime, is shown by the fact, that of all the men of the latter class, in number 107, who have been discharged from the Convict Prisons, during the last six years, only 7 had ever been *previously* convicted, and only one has returned to them again.

† On this point we have asked and obtained the opinion of the Rev. T. Shore, whose long experience of more than thirty years, under various kinds of prison discipline, gives peculiar weight to his testimony. He is, at present, Chaplain to the Mountjoy Female Prison, but he was Chaplain at Smithfield for three years after it became an Intermediate Prison, and for twelve years previously, when it was an Associated Prison, under the old system : besides which, he was Chaplain to the City of Dublin Gaol from 1831 to 1848. He says : ‘I see no reason whatever to object to the men in ‘the Intermediate Prisons sleeping together in a large room, ‘for the following reasons :—

that, not only have those evils not in fact resulted in the Intermediate Prisons,— though they have now been seven years in operation, and a large

‘It is the practice for soldiers in barracks to sleep thus, and our men *in that class* are equal, if not superior, in moral training.

‘The hulks contained men who had been subjected to no previous moral training : no one reaches our Intermediate Prisons until he has been filtered through several processes ; and some never pass through those filters at all, and so are never deemed trustworthy enough for an Intermediate Prison.

‘This last stage of detention we wish to be as like “liberty” as possible. It is better to let them have a few months with the rein lying on their neck, than to hold a tight hand over them to the last, when we must drop the reins altogether.

‘At Lusk (where they sleep in a large room) the room has a light burning all night, and an officer sleeps at the end of it, with a window which, from his bed, commands a view of the whole room.

‘Whatever risk—if any with such tested men—might arise, it seems inconceivable when *thirty or forty are in the room* : the large number (of such a “class”) is in itself an abundantly sufficient restraint ; and my experience would lead me to think that not five per cent. would need such restraint, and what a restraining power would then be in the presence of the other ninety-five!

‘Such are my candid opinions on the subject. I feel the “system” is like the tourniquet which the surgeon uses in a case of amputation,— each relaxing turn of the screw enables him to discover minute vessels which had not been perfectly secured. As the wound heals, he relaxes the pressure, until it hangs loose on the limb, and leaves it quite unrestrained : then he sees if the cure be complete ; but if a defect appear, the screw is still there, and can tighten all again. Had he kept it tightly screwed all through, he might find that, when he took it off entirely, some vessels had escaped his observation.’

number of men, amounting to 2,900, have passed through them,—but that the general conduct of the men has been unexceptionable, and that not one convict has given cause of offence in them, on *moral* grounds. We are bound to say that we found a concurrence of testimony, from every source accessible to us, to this effect, and none to the contrary.

It is further argued, that, if men are not fit to pass through such an ordeal as that of the Intermediate Prisons, still less are they fit to be exposed to the yet greater temptations of the world at large:—association at night being only what is found in every barrack.

It must be observed, that such association follows as almost a necessary part of a system in which physical restraint is abandoned; because, unless men are actually locked up in sleeping cells, any other kind of partition only increases the danger of misconduct, by affording concealment from observation. The observation of a considerable number, provided the general moral tone of that number be healthy, is the best, and where physical restraint is abandoned the only, check.

That such a moral tone has been formed, among the convicts in the Intermediate Prisons, we are assured on all hands; and its existence is the strongest proof of the power of those moral agencies, which have been brought to bear upon them before they come there. The first of these agencies,



consists in the exhortations, and instruction, of the chaplain, and schoolmaster. We have not dwelt upon this, because it is not peculiar to the Irish system, but common to it, with the English and every other system which seeks to make bad men better; and not because it is overlooked, or underrated by it, or by us. That which is peculiar to the Irish system, we have endeavoured to point out in speaking of the progressive classification of the prisoners according to their conduct measured by marks.

In that progress, the Intermediate Prisons serve a double purpose. As being a sensible step towards, and an earnest of, that liberty which is the goal of the prisoner's hopes, they are both a nearer object for him to aim at,—and so direct his course to that goal, — and a test of his fitness to attain it. As he finds every step of his progress towards it, accelerated or retarded, by a kind of self-acting law, precisely as his conduct is better or worse,— he must indeed be blinded by passion, or inveterate bad habit, who does not, sooner or later, see his own interest in good conduct. But every step of progress, by lessening restraint, increases opportunity and therefore temptation to do wrong: and so makes conduct a truer test of character. The man who fails under the lower test, is, by the very failure, kept back from being tried by the higher; but he who stands it, has his character strengthened, by exercise, for the yet greater

effort required by a position of yet less restraint. Thus by the almost self-acting operation of well-devised moral machinery, the prisoner is trained for liberty, and yet kept back from it, till he shows himself fit for it.

In the Intermediate Prisons, the restraint is reduced to a *minimum*, and thereby the test of character increased to a *maximum*. That great evils have occurred elsewhere, among men placed in association, under somewhat similar circumstances, — but without a similar previous training, — proves the severity of the test, and also proves the want of such training. That they have *not* occurred in the Irish Intermediate Prisons, proves the excellent effect of such a training, *a fortiori*, from the proved severity of the test.

The efficacy of this training is especially evinced by the general good conduct in the Intermediate Prisons of two classes of men.

One, is that of men who, by their misconduct in the earlier stages in the Ordinary Prisons, and consequent failure to obtain the required number of marks, have been kept back for various periods, — amounting in some cases to three years or more, — beyond the time when they would, otherwise, have been removed. It might have been expected, that such men would, at last, come to the Intermediate Prisons, in a sullen temper, and disposed to take advantage of their comparative liberty, in order to resent their previous detention

from it: but, on the contrary, we are told that such men are generally found as tractable as any others, though their previous conduct has sometimes been of the most desperate and reckless kind. We saw men of this class, whose countenances indicated cheerful submission, and who expressed to us their regret at their own folly, by which they had lost so much. The secret of this is, no doubt, the conviction in their minds that the system is just, and justly applied, though they have suffered by it. No pains are spared to maintain this sense of just treatment. As an instance of this, the Chairman of the Directors, Captain Crofton, told us that, on one occasion, he spent an hour in convincing a prisoner that he had been justly treated. Such labour is not lost. Nothing struck us more than the universal sense of being governed with the strictest justice, which we found pervading all classes and persons connected with the Irish Convict Prisons. To create and maintain such a sense of justice, is the very essence of prison management, without which the best system must fail. We know, on the highest authority, that the most hopeful penitence is expressed by the words, 'We indeed justly, for we receive the due reward of our deeds.'\*

The other class is equally remarkable,—viz., that of men sentenced to penal servitude under the Act of 1853. These sentences being shorter than those of

\* St. Luke xxiii. 41.

transportation, for which they were substituted, no remission of any part was allowed, by the authorities in England or in Ireland. In England, the result was an outbreak among the convicts at Portland, which had to be put down by very strong measures; and this notwithstanding the propitiation of that class of men, by special indulgences, such as increased gratuities and diet, e.g. allowance of beer, puddings, tea, &c. In Ireland, no such special indulgences have been allowed; yet, so far from any outbreaks having occurred, the conduct of this class of convicts, in the Intermediate Prisons, has been, we are told, 'most unexceptionable,' and 'quite equal to that of any body of labourers;' as well as that of those, to whom the hope of remission was held out. This case supplies an answer to the objection which might be, and has been, taken,—viz., that the good conduct of the prisoners is hypocritical, and merely put on, for the purpose of getting their time of service shortened. The conduct of these men could not be influenced by such a motive, for no prospect of any remission of sentence, was allowed to them.

The difference between the results of the English and Irish systems as to this class of convicts, reminds us of another, equally remarkable, applying to all classes. In England we are told, that, to select convicts according to their conduct, and to separate the better from the worse, would be, to leave the latter a residuum wholly unmanageable; that it is

absolutely necessary to have the better men mixed with the worse, in order to leaven the mass for good, or, at least, to keep it in order. Common knowledge of human nature, seems to point out, that the leavening process is likely to operate in the other direction; that, where none are very good to begin with, it is the *evil* influence which is the more likely to spread. That this is, in fact, the case in the English prisons where association exists, is continually deplored in the reports, especially, of the chaplains. That the indiscriminate system fails even to maintain order, is proved by such cases as the outbreak at Portland just referred to; and, still more, by that at Chatham, where, out of 1,100 prisoners, 857 were implicated in a mutiny which it required a very large military force to subdue, and which had to be followed by frightful punishments. What is very notably to our present purpose, is the fact, that out of these\* 857, 713 were men whose 'prison character' was recorded as 'exemplary,' 'very good,' or 'good;' 144, or little more than one-sixth, were men whose 'prison character' was 'indifferent,' 'bad,' or 'very bad.' Either, then, a small minority of evil overpowered the good majority; or the 'prison character' is worthless; or, what is probably the case, both are more or less true.

In Ireland,— where the principle of selection, which, we are told, would in England render con-

\* House of Commons Return, Convict Disturbances, Chatham. March 22, 1861.

victs unmanageable, has been in operation for some years,—not one case of corporal punishment has occurred in any Convict Prison for the last two years; not because it is excluded by the system (for in the earlier years it was not unfrequently inflicted), but because it has not been required. This result, like others, cannot, as we have already pointed out, be attributed to the superior character of the Irish convict, who was said in 1854 to have been ‘incapable of appreciating’ anything but ‘coercion.’

It would seem, therefore, that the system exercises an ameliorating influence on the conduct even of that ‘incorrigible’ residuum, which does, no doubt, exist. Probably it may be, that, even in the lower classes, there is always a sufficient number of men, who are striving upwards with sufficient *motive* power, to create a kind of public opinion so adverse to evil influences, as to weaken them, and render them innocuous. When each step upwards, is felt to be a real gain, not only in present privilege, but as an approximation to liberty,—though only the modified liberty of an Intermediate Prison,—delay in gaining another step, and still more the being degraded from one already gained, become powerful deterrents. In the Intermediate Prisons, no cells, or other means of punishment, are provided. The one punishment *there* (again we catch the native idiom) is to be sent *away* — back to the Ordinary Prisons. This power, we are informed, is exercised instantly in case of any

misconduct; yet, out of 1,670 men who have passed through the Intermediate Prisons at Lusk and Smithfield during six years, it has only been applied in the case of forty-eight. Of these forty-eight, sixteen were, after a further probation in the Ordinary Prison, sent back to the Intermediate Prison.

In the English Convict Prisons, the practice is in accordance with, and probably 'father to,' the avowed principle — that 'male convicts must be 'treated in masses rather than according to their 'individual characters.'\* Such cases as that at Chatham, show that convicts *treated* in masses, are apt to *act* in masses, in a way that is highly inconvenient, yet a natural result of such treatment. Soldiers are trained on a system, the object of which is, to merge individuality, so that they may act in masses against an enemy. Convicts trained on the same plan, may be expected to act in the same way, so far as circumstances admit,—*their* enemy being, the authorities while they are in prison, and society at large when they get out.† The *esprit de corps* animating such masses, is a bond of evil, which is made stronger by indiscriminate treatment. To attempt to lift up, *en bloc*, a mass of degradation and criminality, is to attempt a moral

\* Report of Directors of English Convict Prisons, 1857, p. 49. Female convicts, it is admitted, must be dealt with individually. On what principle a distinction so very broad, is made between the two sexes, it is difficult to understand.

† See Postscript, p. 142.

impossibility. The old story of the youth who tried to break a tied-up faggot, might have taught a wiser lesson.

The reason is plain. That which a large mass of convicts, as such, have in common, is bad. The good there is remaining amongst them, is to be sought for in their individual characters and dispositions. This good, the Irish system seeks to develope, by treating them as individual *men*, not as mere constituents of a machine. The mechanism of the mark system which we have described, is no exception to this principle, but the means of carrying it out. Its effect is to make the man's better or worse condition depend directly on his own conduct, with the least possible intervention on the part of anyone else; and thereby to draw out his individual exertions to attain the better and avoid the worse, in conduct as well as in condition; the latter being indissolubly linked to the former by the mark system. The Intermediate Prisons carry on the same principle. There, more scope is given for the developement of individual character by diminution of restraint, and assimilation to the circumstances of ordinary life. In order that this developement may be more complete, and better studied by the authorities, it is laid down, as a rule, that no one Intermediate Prison shall contain more than a hundred men.

In England, it is alleged that the greater number of convicts to be dealt with, renders the system



inapplicable. The greater number, no doubt, constitutes a difficulty, but hardly appears to warrant the inference, that such difficulty is insuperable. In Ireland there were on Jan. 1, 1854, when the system commenced, 3,933 convicts in very badly constructed prisons. In England on the same date, there were 7,916; and on Dec. 31, 1860, the latest to which we have returns, there were 7,984, a little more than double the number in Ireland in 1854, in admirably constructed prisons. Considering this great advantage in prison construction, and the further advantage which England possesses in having still an outlet for convicts to Western Australia,\* which has not been resorted to in Ireland since 1854, the difference of numbers does not seem a sufficient reason why, what *has been* done in the one country, should not be done in the other.

Now that it has been practically demonstrated, that, by proper training and selection, convicts may be managed, with success, in such an establishment as that at Lusk; there seems no necessary reason why similar establishments, containing not more than one hundred each, should not be multiplied to the required extent, in the many localities, in England, where convict labour may be applicable to works of public utility.

\* 3,307 convicts were sent to W. Australia from 1853—1861. Memorandum Reports of English Convict Prisons for 1860, p. xxi.

As to the financial part of the question, we are told that Lusk is self-supporting; that the value of labour executed by the convicts and the warders who work with them, pays both for maintenance and establishment-charges. As to how far that is really the case we give no opinion, because, the labour being still chiefly employed in reclaiming waste land, its value cannot be put to that test of the public market on which alone we can rely, as we mentioned before, in speaking of labour at Portland (p. 18). But, whether or not the labour of the prisoners repay their cost, it is difficult to conceive any arrangement by which that cost could be made less, — that any prison could be cheaper, in construction or management, than such an one as that at Lusk. The warders are men by no means above the ordinary stamp. The resident head of the establishment was a warder under the old system, which he had to *unlearn*. Such a staff must no doubt require frequent and vigilant supervision by the Directors; but, making any reasonable allowance for additional cost of direction, we have no doubt that such establishments may be made cheap, as facts have demonstrated that they may be made efficient, as parts of a well-arranged and well-managed system of prison discipline.

The other Intermediate Prison, which we visited, at Smithfield, shows how the same principles may be applied under very different circumstances. Smithfield is an old and ill-constructed

prison in the middle of Dublin, which is now used as an Intermediate Prison for those men who are acquainted with in-door trades, or whose health unfits them for the hard work and exposure of Lusk.

The difference between the moral, and even the physical, effects of the present *régime*, and the old, upon men in the same prison, are described, by officers acquainted with it under both, as very striking.

The Superintendent says: \* ‘ Most remarkable is ‘ the contrast between the men now placed in ‘ this establishment, and those who were confined ‘ here when this was an Ordinary Convict Prison. ‘ *Then* the prisoners in general exhibited all the ‘ evil characteristics which might have been ‘ expected from their antecedents: they gave indications of evil tempers and dispositions, restrained ‘ indeed, but not improved; they seemed lamentably indifferent to praise or censure. *Now* the ‘ very contrary may be seen among them: they ‘ exhibit a kind obliging disposition and a docile ‘ spirit; they take advice in good part, and seldom ‘ or never does it require to be turned into a rebuke; they go to work with alacrity, are ready to ‘ volunteer their assistance whenever they think it ‘ may be required.’ ‘ They seem,’ he adds, in quaint but expressive phrase, ‘ to have *gotten a new spring of mind.*’

\* Third Report, Convict Prisons in Ireland, p. 108.

Who that is familiar with English prisons, would recognise anything like his acquaintance there, in this description? The same gentleman,\* having been Deputy Governor and Master of Works for ten years under the old system, states—and he is corroborated by the books of his department and the Trades Instructors,—‘that under the new ‘system he obtains nearly three times the amount ‘of work as heretofore from the same number of ‘prisoners.’

The medical officer, Dr. Brady, comparing the state of health of the prisoners under the former and the present plan says:† ‘The improved sanitary ‘state of the prison dates from the introduction of ‘the reformatory system.’ And in a later report ‡ he observes that, ‘No real or feigned insanity, no ‘attempt at suicide, no assaults on officers, no ‘malingering, no scheming even to get into hospital, ‘or to remain there after recovery, occurred in these ‘prisons (Lusk and Smithfield). Some persons ‘indeed, whose health was delicate, applied from ‘time to time, on leaving hospital, to be put on ‘lighter work, on the ground that they were ‘unable to sustain the severe labour and rigid discipline of the reformatory system; and this ‘request was granted; but most of these subsequently improved so much in health that they

\* Fourth Report, p. 33.

† Third Report, p. 113.

‡ Fifth Report, p. 137.

‘voluntarily resumed their former occupations. The prisoners however, in general, when obliged to come into hospital, are only too anxious to get back to the prison duties, which are no longer irksome to them.

‘These purely medical effects of the salutary influences which are brought to bear on the prisoner by the reformatory system, seem to me interesting, as supplying an illustration of the remarkable improvement, physical as well as mental, that takes place in the convicts during their passage through the Intermediate Prisons, — an improvement so manifest that it is recognised, and freely admitted, by all who have had sufficient opportunity of fully observing their conduct in the discharge of their various prison duties.’

Smithfield, being a prison, does not afford the same apparent liberty as Lusk. But the test of character supplied by the latter, is made up, in the former, by its position in the midst of the temptations of a great city, from which the prisoners are not wholly excluded. The work at Smithfield being all of a kind which can be measured, the prisoner’s gratuity is made to depend on the work done by him, in such proportion as to be about 2s. 6d. a week, a little exceeding, or falling short of, that amount, according to his industry and skill. Of this he is allowed to retain, in his own possession, sixpence a week,

which he may save, or expend, as he pleases, in anything but spirituous liquors. This affords an opportunity for the exercising real self-denial of present gratification by saving it for the future, or an indication of character, by the mode in which he spends it.

A still severer test is this.\* 'A prisoner taken in roster from those whose terms of detention are drawing to a close, is placed on messenger's duty daily: he is then permitted to make purchases of articles of dress, diet, &c. for the other prisoners. It was considered advisable to prove whether or not the confidence of prisoners in each other, was equal to that entertained by the authorities. As the prisoner has frequently fifteen or twenty shillings at his disposal, the test is considered valuable. The ordinary temptations of the world in the shape of public houses, &c., of course constantly present themselves to the messengers, and, strange to say, only one case has arisen of a man having been drinking. In this case, though his duty was accurately performed, the breach of rule was immediately punished, and the culprit forthwith removed to an Ordinary Prison.'

This was after twenty months' trial. Two years later the Superintendent of Smithfield writes:† 'With reference to the conduct of

\* Fourth Report, p. 33.

† Sixth Report, p. 80.

' the prisoners both here and at Lusk, only eight  
' breaches of discipline took place during the year,  
' some of them being of a trifling nature; yet, for  
' example's sake, those men were remanded to an  
' Ordinary Prison to undergo a longer probation.  
' The messengers continue to give the fullest  
' satisfaction, and in only one instance did any of  
' them swerve from his duty, and that was by at-  
' tempting to bring a prohibited article into the  
' prison. It is indeed a wonderful thing to think  
' of those prisoners walking daily through the  
' public streets of Dublin and never yielding to  
' any temptation, never idling or outstaying their  
' time, but delivering their messages with perfect  
' correctness, and then returning to their prison  
' with a punctuality which is most creditable to  
' them, and truly surprising, when one thinks that  
' these walks are the first they had taken with  
' freedom—in fact, at liberty—for years. The  
' prisoners continue to receive sixpence a week out  
' of their earnings, and I find they evince every  
' disposition to spend it to advantage; for in-  
' stance, in the purchase of articles of clothing  
' which will be useful to them on their discharge.  
' These purchases, as usual, continue to be made  
' by the messenger on duty; and *I have never*  
' *seen an instance where such trust was betrayed*, but,  
' on the contrary, every one of them is anxious to  
' assist to lay out the money to the best advan-

'tage; neither *has there been an instance of a dispute between them on the subject.*'

It is hardly to be denied, that a character thus tested and, standing the test, thus strengthened, as it must be, by exercise, is as different a thing from our English 'prison character,' as that of the soldier who has been under fire, from that of the raw recruit.

In England, we are told that to allow convicts, under any stage of their imprisonment, to spend any portion of their gratuity, would inevitably 'lead to 'gambling, quarrelling, and pilfering,'\* and we doubt not, that, under the present system, it would have that effect. Yet the same men, who are considered thus unfit to have the use of sixpence a week, under the control of strict discipline, are discharged with a gratuity, amounting in some cases to thirty pounds,†—part of which they receive immediately, and the remainder within a few months,—and are expected to make a good use of it, when thrown, utterly without control, amid all the temptations of the world, with an appetite for indulgence whetted, to the utmost, by long abstinence enforced upon them from without, but with no training in habits of *self-control* from within.

\* Report, Convict Prisons (England) for 1856 and 1857, p. 98.

† Among the sums due as gratuity to mutineers at Chatham, we find such amounts as 33*l.* 14*s.* 2*d.*, 27*l.* 16*s.* 2*d.*, 27*l.* 11*s.* 11*d.*, &c. House of Commons Return, March 22, 1861. The last mentioned sum is remarkable as being due to one of the comparatively few, whose 'prison character' was 'very bad.'



It is objected, that, the degree of comparative liberty allowed in the Intermediate Prisons, is inconsistent with the position of a man under sentence of penal servitude. The objection comes with singular inappropriateness from this side of the Channel, where the ticket-of-leave man,—who also is still under sentence of penal servitude, and only conditionally at large,—is allowed to spend his gratuity, and frequently the proceeds of fresh crime, in a life of idleness, debauchery, and association with the worst characters; while his liberty is not allowed to be interfered with, by police supervision, or in any other way, till he be again actually detected in crime. If the latter be not, in the abstract, inconsistent with a sentence of penal servitude, it is difficult to see how the former can be rendered inconsistent, simply by the fact that the authorities in England, think fit to keep the chasm between imprisonment and discharge on ticket-of-leave, open to its full width.

A more practical objection is, that the Intermediate Prisons are not sufficiently deterrent. Now, there is nothing in the history of crime and punishment more remarkable, or more clearly indicated, than the difficulty there is in judging, *a priori*, of what is, and what is not, deterrent in penal infliction—how utterly the most appalling punishments have failed to deter from crime. The only test which can be relied on, to show whether a given punishment be really deterrent or not, is, whether

or not it be found to diminish crime; and whether those who have once suffered it, are or are not, found to render themselves liable to it again, soon after, or at any time. As to how far the English Convict Prisons are deterrent, we have already seen evidence in the facts that, of the men received last year in the Convict Department at Wakefield, 30 per cent. had passed through those prisons before; that of the reconvicted men received there, since 1853, more than half returned to prison within a year from their discharge; and that, according to the English Directors' own Return, 62 per cent. of their reconvicted licensed men, returned to convict prisons before the end of the year succeeding that in which they were discharged.\* Tried by this test, we shall see how much more deterrent the Irish prisons have proved themselves to be, when we come to speak of General Results.

Before we leave the subject of the Intermediate Prisons, we must notice that we had an opportunity, at Smithfield, of seeing the method of instruction adopted in them. It has been thought, that the ordinary methods of school instruction, are not the best adapted to men of adult or advanced age, many of whom are shortly about to go out into the world, and that their remaining time may be best employed in giving them, in the form of lectures, such information as is likely to be useful to

\* Introduction, pp. vii. viii., and Table D. Appendix.

them in after-life; e. g., on moral subjects, questions relating to wages and labour, the colonies, &c. The last subject especially, is much dwelt upon. It is pointed out to them, that emigration affords them a new sphere, where they may find the readiest market for their labour, and relief from many difficulties entailed upon them by their former character and old associations. This has been done with such effect, that about twenty-five per cent. of the men discharged, have emigrated as free labourers to the colonies, voluntarily, and with no aid except the gratuity allowed to them; as to others, on discharge. We heard the men at Smithfield addressed, in this point of view, on Canada, by Mr. Organ, the energetic Lecturer to the two Intermediate Prisons.

The lecture was followed by the peculiar exercise, known, there, as 'competitive examination.' The disadvantage attendant on instruction by lectures only, is, evidently, that it may be received in a merely passive attitude of mind, and, as the saying is, go in at one ear and out at the other. To obviate this, some kind of examination in the subjects lectured upon, is necessary; and the plan in question, has been ingeniously devised to suit the cases of men to whom, by reason of their age, diversity of capacity and attainment,—many being unable to read, more unable to write,—a formal examination would be inapplicable. The men being arranged in equal numbers, on opposite sides of

the room, each, in turn, is required to propound a question, to be answered by a man on the opposite side, but which, if it fail to obtain an answer, the proposer must be prepared to answer, himself. Knowing that they will be required thus to reproduce something of what they hear, they have an immediate object to induce them to attend carefully to the lectures; and that attention, with the subsequent reproduction in the examination, tends to fix in the mind, many useful things which would otherwise be forgotten. The lecturer, acting as moderator, has an opportunity of pointing out mistakes, of combating, in a conversational way, the errors and prejudices of ill-informed minds, e.g. on such subjects as secret societies, strikes, &c., and of giving much information, and advice as to future life, in a manner the more likely to impress, for being familiar and informal. We were told that those who can write, take careful notes of the lectures, and that even the 'aged and the ignorant, ' who could not be induced to receive instruction ' in the Ordinary Prisons, evince great interest in ' the information thus imparted.' What we saw and heard, left no doubt that such is the case.

## SECTION VI.

## DISCHARGE ON LICENSE.

IN July 1856, a Select Committee of the House of Commons, appointed to enquire into the operation of the Act of 1853, for substituting other punishment in lieu of transportation, after examining a large number of highly competent witnesses, adopted the following, among other resolutions:—

‘ 5. That every punishment by penal servitude should include, first, a certain fixed period of imprisonment, to be undergone at all events; secondly, a further period, which should be capable of being *abridged by the good conduct of the convict himself*.

‘ 7. That with a view to give full effect to the principle indicated in resolution 5, the sentences of penal servitude prescribed by the Act, should be changed and lengthened, so as to be identical with the terms of transportation for which they are respectively substituted.

‘ 12. That the system [of licenses to be at large or tickets-of-leave] appears to be founded on a principle wise and just in itself—viz., that of enabling a convict to obtain, by *continued good conduct* while undergoing his punishment, the remission of

‘ a portion of his sentence, upon the express condition, however, that, in case of subsequent misconduct, his *liability* to punishment shall revive for the residue of the term specified in the original sentence.’

In the next session, viz. that of 1857, the Legislature adopted the recommendation in Resolution 7, by lengthening the sentences of penal servitude to the extent suggested by it; and may therefore be presumed to have given its sanction to the principle of Resolutions 5 and 12, on which the suggestion was founded, viz. that a portion of the so lengthened sentence, should be capable of being abridged by the *good conduct* of the convict while undergoing his punishment. With the same view, the power to grant ‘ licenses to be at large,’ given by the Act of 1853, was continued unrepealed. In order to carry out this principle, the Executive Government of England put forth a scale, which was adopted in Ireland, by which the portion of the sentence capable of being abridged by good conduct, was fixed as follows:—

For a sentence of	3 years	at one-sixth.
„	4 and 5 „	at one-fifth.
„	from 6 to 12 „	at one-fourth.
„	15 „ and upward,	at one-third.

Cases of sentence for life were to be considered each upon its own merits, but no man under such sentence was to be discharged at home under twelve years, nor in a colony under eight.

The course of proceeding with respect to tickets of leave in Ireland, is in exact accordance with this scale and the Resolutions of the Committee of 1856. In no case can a convict there, obtain a discharge on license, in a less period than that which is fixed by the Government as *not* capable of being abridged. But whether he shall obtain it as soon as he has served that period, or whether it shall be deferred longer, or even withheld to the end of his sentence, — depends entirely upon his conduct, as measured by the mark system, which we have described, in the second stage, and as further tested by his being exposed to a certain amount of temptation in the third stage — the Intermediate Prison.

The law, and the general regulations as to discharge on license, being the same in England and in Ireland, the mode in which they are practically carried out, is widely different in the two countries.

In England, the authorities act as if the convict's real sentence were, not that which was pronounced upon him by the court which tried him, but a sentence for that shorter period which remains after deducting the portion allowed by the regulations to be remitted in case of *continued good conduct*. The judicial sentence is ignored, except as a kind of legal fiction representing something less than it professes ; and excepting this, that a threat is held out to the convict, that, if his conduct be *bad*, the shorter sentence which he learns from the practice of authorities to regard as his real sentence, may be prolonged more or less, so as, if he be

*very bad*, even to verify that which the judge pronounced. Hence, discharge at the expiration of the shorter period, comes to be regarded as a matter of right, only to be forfeited, to a certain extent, by absolutely bad conduct; and any prolongation of that shorter period, becomes a positive punishment. But, inasmuch as absolutely bad conduct in prison, requires to be, and generally is, visited with some immediate punishment, to defer a man's discharge beyond the shorter period, some time afterwards, looks like punishing him twice over, and is therefore but sparingly resorted to. How sparingly may be seen in the case of J. H.,\* and might be shown by many other instances less strongly marked. So far as we can learn, a man is rarely, if ever, detained more than a few weeks, or at most a few months, beyond the *minimum* period, and that only in very bad cases.†

\* Introduction, p. xxii. note.

† The worst class of mutineers at Chatham were adjudged to forfeit 'all remission of sentence,' the next in culpability to forfeit four months, the next two months, the next one month. —House of Commons Return, Convict Disturbances, Chatham, March 22, 1861, p. 15.

To what extent the forfeited remission has been, or will be really withheld, we have not the means of ascertaining. But we have seen that, in a parallel case, J. H.,—who, as a ring-leader of the Portland mutiny, was adjudged to have forfeited all the privileges as to stages, &c., to which remission of sentence is attached,—was in fact only detained one month, instead of nine, beyond the minimum period; and the same has been the case with other Portland mutineers received at Wakefield.




English convicts are, indeed, sometimes 'reminded' that their crimes have rendered them liable to the 'most rigorous imprisonment for the whole of their sentences,'\* that the advantages extended to them in stages and classes, to which remission of sentence is attached, 'are merely matters of *indulgence*, and *not in any respect necessary* parts of convict discipline.' But these assertions are so completely belied by constant practical proof to the contrary, that they go for very little, and leave the convict unshaken in his belief — which on other occasions is avowedly supported by the authorities — that the remission of sentence *is* so far 'a *necessary* part of convict discipline,' so far a matter of right, that, to withhold any portion of such remission is not the mere discretionary withdrawal of an '*indulgence*,' but the infliction of a positive and severe punishment, to be justified, only, by proof of *positively bad conduct*.

In Ireland, on the other hand, the original judicial sentence is treated as the real sentence, which, presumptively, the convict is to serve out to the full, unless, by *positively good conduct*, he can obtain some remission. The periods to be passed under probation and in the Intermediate Prisons, and especially the mark system, are so arranged, that, by 'very good' conduct, unremittingly maintained during the whole period, he *may* obtain his

\* Sir J. Jebb, General Order, House of Commons Return, March 1861, p. 13.

discharge on license after the same length of service as in England. But, as we have already seen, the slightest falling short of the highest standard of good conduct under penal discipline, entails an exactly proportionate prolongation of the period of service, *ipso facto*, by the automatic operation of the system, and in nowise as a punishment inflicted by anybody, except by the convict upon himself. It is true, that the authorities in Ireland, reserve to themselves a discretionary power to allow a *locus penitentiæ*,—to *give back*, in case of very good conduct subsequently, time which may have been lost by some falling short in the earlier stages. But this power is exercised only after special investigation of the particular case, and as sparingly, as the opposite power to prolong the *presumed shorter* sentences, is in England. This restoration of a forfeited privilege, is therefore, regarded by the Irish convict as being, as purely a matter of indulgence, as any prolongation of the shorter sentence is regarded by the English convict, and indeed by the authorities, as a positive punishment, the infringing on a presumed right.

It needs but little consideration to see, that, the effect produced on the mind of a man subjected to these two kinds, of treatment, must, in the nature of things, be widely different. The one, requires active exertion to attain a privilege which is only to be gained by positively good conduct, the other merely requires passive submission to prison rules, in order not to lose a right presumed to exist.



and only to be forfeited by positively bad conduct. In the one case he is stimulated to do his best by the enlivening and elevating motive, hope; in the other, he is only restrained from doing wrong, if he *be* restrained, by the slavish and debasing motive, fear.


This seems to us to be one great secret of that, which, without having seen, it is impossible to realise, and which, having seen, it is at first difficult to understand, viz. the remarkable difference between the demeanour of prisoners under the English, and under the later stages of the Irish convict system. Where, in the one case, we find, at best, a sullen and dogged submission to prison rules, and labour evasively performed; in the other, we saw evidence of willing and cheerful obedience, of that 'alacrity and readiness to volunteer assistance' described by the late superintendent of Smithfield, indicating that they have 'gotten a 'new spring of mind.' This new spring of mind, this ready and willing obedience, is the more remarkable, in that it is the result, not, of *more* indulgence as to remission of sentence, but, of *less*. The Irish convict has but the *hope* of obtaining, by continued exertion, probably, only a part of the same remission of sentence, which the English convict is *sure* of obtaining, in its entirety, by simple abstinence from gross breach of discipline.

We do not enter into the question of criminal jurisprudence, whether it be a right principle, to hold out to the convict, the prospect of some remission of



sentence, as an inducement to good behaviour under penal discipline, though we entertain no doubt of the affirmative. It is sufficient for our present purpose, that, both in England and Ireland, the principle has been deliberately adopted by the Legislature and the Executive. The principle being admitted, we cannot doubt that the best, and only true, mode of carrying it out, is that which makes remission of sentence a reward, rather than that which makes non-remission a punishment. We have seen that such punishment, being merely additional to other punishment, is but little resorted to, and, even when adjudged, but partially executed. Thus the English system, which adopts that mode, loses, almost entirely, the *motive power* for good, which is to be obtained by presenting to the prisoner, in the proper form, the strongest inducement which can be brought to bear upon him,—the hope of earlier liberty; while it gains little more than this, that the sentence pronounced by the courts are practically shortened, and their judgments rendered a solemn farce,—a pretence, which the criminal class know to be false, though the simple honest public may be deceived by it.

But, even if the punishment of misconduct by non-remission of sentence, were more really carried into effect than it is; yet, the system which acts upon the prisoner's mind by means of *hope*, exercises not only a more healthy, but a more powerful, influence than that which only appeals to his fears. Fear is not



only a debasing, but a very weak, motive. It is all-important to bear in mind, with reference to criminal treatment, Lord Bacon's often-cited paradox, 'there 'is no passion in the mind of man so weak, but it 'mates and masters the fear of death,' and therefore greatly, *à fortiori*, masters any lesser fear. The whole history of mankind, every day's experience, shows, how hope masters fear; how the hope of some advantage, real or imaginary, induces men to impose upon and execute, themselves, sentences of the hardest labour; to enter upon, and persevere in, courses which of necessity involve severe suffering, or which are likely to terminate in premature death; and thus verifies the paradox.

It is, therefore, only what the study of human nature would have taught us to expect, that the English system as to remission of sentence, appealing only to the convict's fears, should have failed not only to elevate, but even to restrain him, as witness the convict riots at Portland, Chatham,\*

\* Among the mutineers at Chatham, we are told, were 'some whose licenses' were already issued and 'actually in the possession' of the governor; 'and others recommended' (for discharge), 'many of them with large gratuities;' (*Return, Convict Disturbances, Chatham*, p. 14). Yet the fear of forfeiting these advantages, which were all but in their possession, failed to restrain them from outrageous violence, without, apparently, any earthly object to be gained by it; a striking proof that 'there is no passion in the mind of man so weak, but it masters fear.'

One of the arguments of the English authorities to show that the testing of character in the Intermediate Prisons, was useless, ran thus :—

and other associated prisons, including one very recently at Dartmoor; while, in Ireland, among prisoners of a race proverbially excitable, and under circumstances as to prison construction far less advantageous, such disturbances have been unknown.

Such being the *antecedent* effects produced on the convict, by the prospect of discharge on license, under the Irish, as compared with the English, system, we have now to observe on the operation of each system, as regards his *subsequent* relations with the community. We have already seen, that the authorities in Ireland, from the first \* ‘considered the ticket of license to be ‘a sort of guarantee to the community, that, in ‘consequence of a prisoner having been subjected ‘to a proper course of prison discipline and re-‘formatory treatment, he was considered a fit

‘The simple fact is, that a prisoner within a few months of ‘becoming eligible for discharge on license, is under such strong ‘motives to restrain himself for that short period, and his ‘heart so yearns for liberty, that *the difficulty would not be to ‘make him behave well, but induce him to behave ill, and risk ‘the loss* of the one dearly coveted object, in comparison with ‘which all others would be regarded as trifles.

‘I feel satisfied that one and all such tests of character with ‘an English convict would be absolutely valueless.’—*Report Discipline of Convict Prisons (English) for 1856*—57.

This was written before the experiences of Chatham, which seem to indicate that the restraining power attributed to ‘risk ‘of loss’ in the English system, is at least equally ‘valueless;’ or probably it would hardly have been written at all.

\* First Report, Convict Prisons, Ireland, p. 5.

‘subject to be received and employed by those ‘outside the prison.’ Whether or no the English authorities ever entertained a similar view of the guarantee implied in a ticket of license — as the terms in which they drew the ‘conditions’ endorsed on the ticket, would seem to indicate that they, then, did—certain it is, that, taught by the conduct of ticket-of-leave men, they soon learnt to repudiate any such responsibility. This repudiation was proclaimed through the mouth of the then and present Home Secretary in the House of Commons in 1857.\* ‘There is an erroneous impression’ he said ‘that a ticket-of-leave is a certificate of good ‘character, and that those men only obtain it who ‘can prove that they are reformed. There never ‘was a more fallacious idea. It is very desirable ‘that the illusion should be dispelled, that the ‘holder of a ticket-of-leave is ascertained to be ‘less likely to relapse into crime than any other ‘discharged criminal.’

Now, undoubtedly, to require from the prisoner absolute *proof* that he is reformed, would be to require, from him, that which few of us who have not been prisoners, could give.

Equally clear is it, that a ticket-of-leave cannot be called a ‘certificate of good character’ in any ordinary sense of the term, for it must imply that the holder has been convicted of crime, and has been in prison ever since that conviction.

\* Hansard, vol. cxliv. p. 378.

But if, further, we be forbidden to suppose, that 'the holder of a ticket-of-leave, is less likely to 'relapse into crime than any other discharged 'convict,' the obvious question arises, Why is he dealt with differently from any other discharged convict? Why is he discharged before the expiration of his sentence at all?

The administrators of prison discipline, can hardly be held responsible for the conduct of the man, whom they discharge when they can no longer detain him, by reason of the expiration of his sentence; except so far as an accumulation of bad results, may indicate a defect of system.


But the case is different, when they take upon themselves to discharge a man upon the community, before the expiration of the period which a competent tribunal has ordered that he shall be detained. We admit, to the full, that they may judge, from a man's conduct under penal discipline, how long it is desirable that he should be detained with a view to his reformation, *better* than any tribunal can determine that point, *a priori*; and that it is desirable that a discretionary power should be placed in their hands. But if they have that power, and if they exercise it, the community have a right to demand, that they shall use the best means which the nature of the case admits of, to exercise it, for the protection of society, as well as for the reformation of the criminal. It has a right to complain, if they discharge a prisoner



he was *more* likely to relapse into crime than any other. Hence the difficulty of obtaining employment for the ticket-of-leave man, which the Directors of Convict Prisons in England so constantly lament as being the one great obstacle to the complete success of their system, while at the same time they decline to offer to the public, in any degree, that 'sort of guarantee that he is 'considered fit to be received and employed by 'them,' which the Directors in Ireland are enabled to offer, because they, before they recommend a man for discharge on license, have themselves subjected his repentance and good intentions to a test of considerable severity. Nobody pretends that the test is, or can be made, *perfect*,—that demonstrative proof of reformation, can be given or expected. If a reasonable probability is all that we can look for, or that we do in fact act upon, in the common, even the most important, affairs of life; still more, in such a case as this. But, if confidence is to be regained for the man who has forfeited it by his crime, so as to induce the public to receive and employ him, it is clear that they who have him under their control, must first show that they have sufficient confidence in him, themselves, to venture upon trusting him as far as they can, before they part with him. When the public see this confidence on the part of the authorities; when they see a man conducting himself well under such circumstances as those of the Irish Interme-

diate Prisons; it tends to restore their confidence in him, and to raise a reasonable presumption, that he may conduct himself well under circumstances of greater liberty, and, that they may venture to employ him, with less apprehension of inconvenience from so doing.

That this has been the case to a *considerable extent* in Ireland, we shall presently see. That it should be *wholly* the case,—that the discharged convict should be placed on the same footing as the man who has never forfeited his character,—is neither to be expected nor desired. But the interests of society, as well as Christian principle, require that the ‘bruised reed’ should not be quite ‘broken,’—that the man who has suffered for past crime, should not be driven to it again by the necessities of life, and exclusion from all honest means of subsistence. We believe that this last has been very rarely the case, even in England, but we have no doubt, that the difficulties which necessarily attend the attempt of the discharged convict to obtain honest employment, have been greatly aggravated by the system of treating men in masses, without any attempt at discrimination, up to the moment of discharge, pursued in the English Convict Prisons. Under any circumstances, it must take a long time to restore public confidence in such a matter as this; but not even one step in that direction, can be gained, while the authorities show that they dare not, and avowedly profess



that they cannot, submit their men to any reasonable test of reformation before discharge. The public can entertain no faith whatever in that reformation, in which, those who have, or should have, the best opportunities of judging, show that they themselves entertain so little.

## SECTION VII.

## POLICE SUPERVISION.

IF the reformation of the convict cannot be, or for any reason is not, tested to some reasonable extent, before discharge, it becomes still more important than it would be under any circumstances, that society should have some security against his misconduct after discharge. Especially when a convict is set at liberty before the expiration of his sentence, has the community a right to demand, that every possible precaution shall be taken, against his abuse of the liberty thus allowed him beyond his right. Theoretically, the authorities in England always admitted this, by the terms of the conditions printed on the ticket-of-leave; but practically, as we have seen,\* they did nothing to carry out any precautionary measure, till *after* the mischief was done (the expression may be Irish, but the practice was English), and the holder reconvicted of crime.

On this point, therefore, the Committee of the House of Commons in 1856, before referred to, adopted the two following among their resolutions:—

\* Introduction, p. xx.

‘15. That to render this system of tickets-of-leave adapted both for the reformation of offenders and the interests of the public, *the conditions* endorsed upon the tickets-of-leave *ought to be enforced more strictly* than appears to have been hitherto the case.

‘16. *That every convict on his release with a ticket-of-leave ought to be reported to the police* of the town or district to which he is sent.’

The English authorities, however, have treated these recommendations, much in the same way that they treated, and still treat, their own conditions endorsed upon the ticket-of-leave, and, as far as possible, the holder thereof himself. All have been simply ignored.

They admit that ‘a more strict enforcement of the conditions of the license appears to be required,’\* but they refuse to adopt the only agency existing, or likely to exist, by which those conditions can be enforced, viz. that of the police; and they declare it to be undesirable† that society should be protected either in one way or the other; either that the prisoner’s reformation should be better tested, before he gets a ticket-of-leave, or his conduct better looked after, while he holds it.

In Ireland both these measures of protection to society, are adopted. The conditions under which the convict holds his license, are precisely the

\* Memorandum, Report Convict Prisons, 1860, p. 35.

† Ibid. p. 34.

same there, as in England; but whereas they are, as we have seen, in England practically a dead letter, they are in Ireland a living reality. In order to make them such, Resolution 16 of the Committee is carried out, not only in the letter, but so as to be practically effective.

Notification of the fact, is sent to the police of the district to which the license-holder is going, with a description of his person. But, as he might go elsewhere at first, or soon remove to some other district where he would be unknown to the police, he is required,

1. To report himself to the police immediately on his arrival in the district, and subsequently on the first of each month.

2. Not to change his locality without notifying to the police where he is going, that his new residence may be made known to the police of the new district, and to the authorities, so that his *registration*, as it is called, may be changed.

A neglect of either of these rules, renders him liable to forfeiture of his license. By these means, he is kept constantly *within reach*, so to speak; and if he is found associating with notoriously bad characters, leading an idle and dissolute life, or having no visible means of obtaining an honest livelihood, he is reported to the authorities, the case is brought before the government, and if it be made out against him, his license is revoked, and he is sent back to prison. What is asserted with

simple untruth in England, is, in Ireland, a reality, viz. that 'to produce a forfeiture of the license, it 'is by no means necessary that the holder should be 'convicted of any new offence.'

The Chairman of the Directors in Ireland, told us that he had put forward, in the public press, a challenge to anyone to point out a license-holder who was infringing the conditions of his license, yet at large, and met with no reply.

The revocation of the license, however, is not final. The nature of the misconduct is considered, the man is detained in prison for such further term of probation as the case seems to require, and in the less serious cases he is again discharged on license.

There can be no question that such a system as this is a most powerful deterrent from crime, because it produces so much greater certainty of detection. What really deters the criminally disposed, is, not so much the *amount* of punishment, as the certainty that *some* punishment will follow upon crime. What encourages them, is, not so much mildness of punishment, as the hope of impunity.

But the discharged convict who is criminally disposed, knows that under this system he is likely, if reconvicted of felony, to receive a much *longer* sentence,—which is what he really dreads,—than he would otherwise. His identification being thus secured, all his antecedents are readily ascertained, and systematically brought before the court which

tries him, and he receives a sentence proportionate to his *former* offences, as well as the last.

A secondary advantage derived from it, is, that criminal statistics are made more trustworthy. While it swells the amount of crime which is apparent, it lessens proportionately, what is more dangerous, the amount which is unknown. While it shows worse results as against the whole penal system of which it is a part, it gives us confidence that we know, more nearly, the worst. The opposite system—that of putting the discharged convict as much as possible out of sight,—gives better ‘returns’ by lessening the number of *known* reconvictions, but leaves us with painful doubts as to the *unknown* number. As the Intermediate Prisons test the *men* before discharge on license, so the placing those men, when so discharged, under the supervision of the police, *tests* not them only, but the *system*, by keeping its results constantly in view. This being evidently the case, it is with a feeling somewhat difficult to define that we read,\* ‘the [convict] ‘system worked out in England, without the *advantages* of *registration* and *supervision*, has been ‘subjected to a very severe test. Its great success ‘is therefore the more conspicuous.’ If we had heard, on the other side of the Channel, of a system being *tested* by keeping its results as much as possible *out of sight*, we should have been less surprised.

\* Memorandum, Reports English Convict Prisons, 1860, p. 29.



It seems, however, that those peculiar *façons de parler*, are not confined to the Sister Isle. Whether or no the other sentence just quoted be couched in the same idiom, and be intended to express that the 'great success' of the English system is 'conspicuous' *by its absence*, we cannot say; but we have seen in the Introduction (p. xviii.) reason to fear that such is actually the case; and that its failure would be very conspicuous, if the real results were more fully revealed, by keeping ticket-of-leave men in view, and securing their identification, by means of police *supervision* and *registration*. We cannot but suspect, that in the *self-denying ordinance*, and steadfast resolution, with which the authorities in England, refuse to avail themselves of those 'advantages,' there is latent, an unconscious, and involuntary, shrinking from the test to which the system itself would be put by their use; and a not unnatural inclination to keep up as little connection as possible, with men who are likely to bring discredit upon it.

The general view of the subject put forth in the 'Memorandum' often referred to, seems to be this: the English Convict Prisons are so admirably constructed; the apparent order under a *quasi*-military discipline, is so perfect (except now and then, when disturbed by a mutiny); moral and religious instruction are so carefully attended to; the uniform treatment of men in masses without reference to their individual characters, has such a grand simplicity,

and is, *exceptis excipiendis*, worked with comparatively so little trouble, that the results must, as a matter of course, be good. The whole system has thus acquired 'a stability which it would not be 'desirable to disturb,' by any attempt to test the reformation of the convicts before discharge, or by enquiring, too curiously, into the doings of ticket-of-leave men afterwards.

The view entertained and the course to be pursued, seem very much like those which Don Quixote learnt to adopt with regard to his helmet; when, having once tested, with the edge of his sword, his new pasteboard vizor, and, unluckily, undone at the first stroke what it had taken him a week to do; and having repaired and strengthened the construction, he felt that 'he had reason to be satisfied 'with the solidity of the work; and so, *without any* 'further *experiment*, resolved that it should pass, to 'all intents and purposes, for a full and sufficient 'helmet.'

The English authorities have resolved that their system shall pass, to all intents and purposes, for a full and sufficient system, feeling that they have reason, *à priori*, to be satisfied with the solidity of their work; and they prudently decline any further experiment, which might 'disturb' that comfortable sense of satisfaction. Above all, they deem objectionable, that test to which the system would be put, by placing ticket-of-leave men under the supervision of the police.

The avowed objections to that police supervision in England, which they themselves deem such an 'advantage' for Ireland, are various.


One is that it would be a hard case, even an encroachment on the liberty of the subject, that the man, who is still under sentence of penal servitude for crime, though conditionally permitted to be at large, should not enjoy his liberty without being hampered by such restrictions. It is admitted, that there are a few bad ones for whom such restriction would be, in itself, desirable, but that it would be hard, for their sakes, to inflict it on the large well-disposed majority. We, who have the misfortune to learn, that in our Riding, nearly half the men who are known to be discharged convicts are living dishonestly, and many are 'captains 'among thieves,'\* can hardly sympathise with this sentiment. How many of these men are licenseholders, how many absolutely discharged, we have, through official reserve, no means of knowing; but we, certainly, should not feel our liberties as Englishmen encroached upon, if the former were obliged, from time to time, to let the police know whereabouts they are to be found. For we know, that—owing to the uncontrolled liberty allowed to a few men (who, as Sir J. Jebb says [see p. 68], 'have, by their crimes, rendered themselves liable

\* Introduction, p. ix. and xviii. In the *towns* 72 out of 104 whose character is ascertained, are reported as dishonest, being 68 per cent.

‘ to the most rigorous imprisonment for the whole ‘ of their sentences,’) before the expiration of those sentences,— the property, and personal security, of millions of honest men, are every day in danger.

Yet an attempt has actually been made, to raise a cry of ‘ liberty in danger,’ and to represent, that, to require these men to report themselves to the police, would be the introduction of the small end of the wedge, in order to force into England the continental practice of *espionage*. Which system tends, most really, to *espionage*, we shall consider presently. At present, we would only remind those, who are so sensitive as regards the liberties of this portion of Her Majesty’s subjects, that they ought to be alive to the fact, that the small end of the wedge, which is to rend English liberty asunder, has already entered; for, by the operation of the same sentence which still hangs over their *protégés*, their liberties have been interfered with by several years’ imprisonment. If the liberty of honest men, be endangered by police supervision over criminals still under sentence, yet more must it be endangered by their actual imprisonment.

It is said, that this supervision, would be to place their fate in the hands of the police, who might *trump up* charges against them, and get their licenses unjustly revoked. But, in the same sense is the fate of every Englishman in the hands of the police, who may *trump up* a charge against him, as ‘ learned counsel for the defence,’ often



contend, and sometimes successfully, that they have done against many a 'prisoner at the bar.'

Another objection is, that the reporting to the police, would '*brand* the man as a *criminal*.' One would have thought, that the 'brand' was rather stamped by the perpetration of crime, and by the verdict of the jury which pronounced him guilty, than by telling the police that he is at large, and where he is to be found.

But the main objection is one which comes from the ticket-of-leave men themselves, and we must do credit to their discernment and skill, when we say, that they have seized upon the position with great judgement, and maintained it with remarkable success. Having won the authorities wholly to their side, they have made it well nigh impregnable. They say, 'We desire to live honestly, but we cannot get work. The police are our especial enemies. They dog us — tell people what we are, and then everybody turns his back upon us. To require us to report ourselves to them, will make matters much worse. Some of us steal as it is, but then we shall all steal, or starve, for no one will employ us.'

This is a plausible argument. The major premiss is true to a great degree. There is an objection to employ ticket-of-leave men. We have already seen, how much that difficulty has been increased, by the recklessly indiscriminate mode in which tickets of leave have been granted in England.

We believe it to be still further aggravated, by the absence of any of that control over the ticket-of-leave man, and of those means of enforcing the conditions on which he is, professedly, at large, which police supervision would supply. It arises, we have seen reason to believe,\* far less from any mere sentiment as to the 'brand,' than from a reasonable apprehension that he may prove a dangerous person to have anything to do with; and, so far, is likely to be diminished, rather than increased, by the knowledge that a strong control is exercised over him.

But, it is said that police supervision will make the man known as a discharged convict. The question is, can it, in the majority of cases, be concealed? And are not the exceptions, for the most part, those of men over whom it is most desirable that some control should be kept; viz., the 'first-class thieves,' as they call themselves, who travel from place to place, as '*organising masters*,' so to speak, of crime; † and in large towns, where the worst men congregate? ‡

No doubt, if the fact that any given man has been a convict, could be wholly obliterated from everybody's memory, and never more mentioned, he might get employment, where it is now denied him. But, in the majority of cases, it will creep

\* Introduction, p. xxiv.

† Ibid. p. xii.

‡ Ibid. p. ix., and see Col. Jebb, Evidence before Committee on Transportation, 1856. Q. and A. 1439.

out somehow or other. The authorities tell us that the men, when discharged, generally go back to the place from whence they came,\* where of course somebody knows who they are, and can guess where they have been. This being so, some zealous policeman now and then catches the scent, and thinks he has found a mare's nest. He, like the 'general,' thinks a discharged convict must be a dangerous animal, and that it is his duty as a man, still more as a policeman, to warn any unconscious employer, of his danger in harbouring such a reptile. No doubt, in that way, a well-disposed license-holder may sometimes be driven from honest employment.

But such cases are, we believe, exceptional, and when they do occur, arise precisely from the *want* of that very thing which it is alleged would aggravate the evil: viz., the giving to the police systematic and official information, instead of leaving them to ferret it out through irregular channels. It is their duty to look after suspicious characters. That a man has been a convict, no doubt, raises a certain degree of presumption that he may be such a character. If a man arrives in their neighbourhood, whom they know, or suspect, to be a returned convict, they are obliged, in the discharge of their duty, to endeavour to ascertain whether he is living honestly or not; and if they have any reason

\* Col. Jebb, Evidence before Committee on Transportation, 1856. Q. and A., 1412.

to suspect the latter, to keep a sharp look-out after him.

From our knowledge of the police (which is not inconsiderable, having been constantly in contact with them as magistrates, acting in very populous districts for various periods up to nearly twenty years), we have no doubt that, *when they are once satisfied* that a discharged convict is endeavouring to live honestly, they have not the slightest disposition to interfere with him, but, on the contrary, are ready to help him. In the returns to the enquiries we recently made,\* we were much struck by the evident satisfaction and pleasure which the police had, in recording the number of discharged convicts, in their several districts, who were living honestly, where such was the case. But *before* this is ascertained, and in order to ascertain the man's honest or dishonest purposes, they are obliged,—especially if he do not settle down to one locality,—to practise a certain amount of that watching and *dogging* which really constitutes *espionage*.

If they knew that every man discharged on license, was bound to report, to them, his arrival in their district, and his movement to any other, all necessity for such watching and dogging would cease, because they would always know where to find him, if necessary: and, instead of the irregular and real *espionage* over him which now exists, we

\* See Introduction, p. ix.



should have authorised *supervision*, to be exercised as a matter of regular routine, according to prescribed rules; and involving far less danger of a man's chance of employment being injured by some over-officious under-policeman, who would thus have neither the merit of a discovery, nor the pleasure of communicating a secret, to stimulate his zeal, besides having his proper course of duty more clearly pointed out.

It is admitted, by its opponents in England, that police supervision worked well in the colonies, and has been successful in Ireland; \* but it is said that circumstances on the two sides of the Channel are so wholly different, that, what is a great advantage to criminal treatment in the one country, would be a great detriment in the other.

It is said —

I. That in Ireland public sympathy is with the discharged criminal, in England against him.

II. That in England public opinion would be against placing him under police supervision, while in Ireland there is no such objection.

III. That employment is much easier to obtain in Ireland than in England.

IV. That, notwithstanding this facility, large numbers of discharged convicts emigrate, or come to England, from Ireland.

V. That the Irish police is much better than the English.

\* Memorandum, 1860, p. 15.

There is an obvious difficulty in reconciling II. with I.; and III. seems somewhat inconsistent with IV., and still more with the well-known fact, that so many Irish labourers come to seek employment in England. We doubt exceedingly the existence in England of any general feeling such as that referred to in II. On the contrary, we believe that, when the real facts are known, public opinion here, will *demand* police supervision over ticket-of-leave men, with a voice which it will be difficult not to listen to.

We confess, however, that we went to Ireland prepossessed with the idea, that in I., III., and V., taken together, might be found some explanation of the remarkable results we had heard of; but our observations there, and enquiry since, have failed to afford evidence, that there is any such wide difference between the two countries, in these respects, as to justify the belief, that, what has been found so valuable in the one, would not also, under proper management, be useful in the other.

To take V. first. The Irish constabulary are, no doubt, a very fine body of men, highly organised, with much of a military character, as was required by the disturbed state of the country at the time the force was established; but in relation to the kind of crime which produces convicts,—of which political or agrarian crime forms but a very small proportion,—we doubt whether they are at all superior, if equal, to the police which are now, since the law has made

the establishment of Rural Police compulsory, to be found in every part of England. Occurrences were taking place in Dublin, just at the time of our visit, which seemed to indicate a decided inferiority, in this respect, on the part of the police of that most important city.

The organisation of the Irish police is more centralised than that of the English; but we have no doubt of the careful and exact performance of any instructions, on the point in question, which the Home Secretary might think fit to issue.

As to I., we have already had occasion to notice, that whatever sympathy with crime may exist in Ireland, is strictly confined to the particular class of political or agrarian crime, and has no relation whatever to that of the thieves and burglars, who form the mass of the convicts. Therefore, any idea of a *special* facility for obtaining employment on behalf of discharged convicts in Ireland, supposed, in III., to result from such sympathy, falls to the ground.

That there is no greater *general* facility for obtaining employment there, than in England, but the contrary, is evinced by the number who come from the former country to seek employment in the latter. That discharged convicts do obtain employment in Ireland, is owing, we therefore believe, not to any antecedent advantages, but to the system there pursued, and good management. The sifting of the men to be discharged on license, by the Inter-

mediate Prisons and other tests, and the supervision exercised over them afterwards, have to a considerable degree restored public confidence; so that a ticket-of-leave has lost something of the bad name which it had there, and has still in England; and though by no means 'a certificate of good character' in the ordinary sense, still, indicates that the holder of it has been tested, as far as he could well be under penal discipline, and has, so far, stood the test, and may be employed with reasonable confidence.

Mr. Organ, the lecturer at the two Intermediate Prisons before mentioned, has devoted himself with remarkable energy to this part of the work. His single-handed efforts, in addition to his duties as lecturer, constitute, we believe, the whole of that 'assistance on discharge' which the authorities in England seem to regard as one of the 'elements of success'\* peculiar to Ireland, and supply the place of all the 'Discharged Prisoners' Aid Societies,' and other institutions of a similar nature, which exist in this country, but of which, in Ireland, there are none. All beyond this, is due to the system, and the conduct of the men whom it turns out. Mr. Organ's testimony, from experience as to this point, is, therefore, most important. He writes:† 'Providing em-

\* Report on Discipline of (English) Convict Prisons for 1856-57, p. 101.

† Fifth Report (Irish) Convict Prisons, p. 120.

‘ ployment is by no means an easy task, and were it  
‘ not for *the good conduct and self-reliance of the men*  
‘ *themselves*, all my efforts to carry out this most  
‘ important branch of our system, would be useless  
‘ and unavailing.

‘ Frequently, during the year, has the demand  
‘ for men trained in the Dublin Intermediate Prisons  
‘ exceeded the supply. But I am anxious that it  
‘ should always be borne in mind, that employers  
‘ do not often come personally to these prisons to  
‘ engage our prisoners; nor could it be expected  
‘ that they should, whilst the *labour-market is well*  
‘ *supplied* with men who never perhaps tenanted a  
‘ prison cell.

‘ Labourers and mechanics are always plentiful in  
‘ Dublin, *too much so, indeed, at times.*’

There is, therefore, no antecedent facility for discharged convicts to obtain employment. Mr. Organ gives various examples of the labour which, he for the men, and they for themselves, have had to go through to obtain it. ‘I have known,’ he says, ‘men frequently to walk from fourteen to twenty-six miles in search of honest employment, men who heretofore were the curse of the community in which they resided,’ while he, in his applications for them, has ‘had to meet disappointment, contumely, and downright insult.’

The difficulty of obtaining employment, is not met by what is attempted in England, viz. the keeping the employer in the dark as to the man’s previous

history; nor is it increased by *supervision*, but the contrary.

‘Employers,’ writes Mr. Organ, ‘when made aware of the conditional liberty of our license-men, and what is expected from them, together with the supervision which I exercise over them, *feel comparatively secure from acts of dishonesty or bad conduct* on the part of our men, though their fears and misgivings have hitherto led them to suspect, and frequently to prematurely and unjustly condemn.’\* We doubt not that similar results might, *in time*, be produced in England, by similar means; though it must, necessarily, take a long time to restore public confidence, shattered as it has been, by years of mismanagement continued from the worst days of the Hulks, though in a different and greatly mitigated form, down to the present time.

We are told that in England, the grand secret of the course to be pursued with convicts when discharged is embodied in the word *dispersion*.†

Now, by giving the discharged convict a railway ticket to a certain place, and a post-office-order by which to receive his gratuity there, his *going* to that place may be secured. But what is to secure his *staying* there? What is there to prevent numbers of men, thus *dispersed*, from *congregating*

\* Fifth Report, p. 128.

† Report Discipline of (English) Convict Prisons for 1856–57, p. 97.

in the large towns? That they do so congregate, and especially the worst class of them, is evident from such returns as those we have given in the Introduction (p. ix.), and is matter of general notoriety. Indeed, the direct effect of the system, must be to send large numbers to such towns, in the first instance, if, as we are told, 'they generally return to 'the places from which they came' (see p. 92), which places must no doubt, in many cases, be large towns. What, then, becomes of the *dispersion*? Yet this is the one panacea for the evils, the one protection against the dangers, to which society is exposed from discharged convicts, which the English authorities have adopted, or can suggest.

We beg their pardon, they suggest another. 'The kind of supervision they would recommend 'in preference (to that of the police) would be, that 'of benevolent individuals taking an interest in the 'welfare (of discharged convicts) and anxious to 'aid them in their efforts to do well.'\*

Now, we should be the last to underrate the value of such benevolent supervision. We believe that there is, in England, a great store of such benevolence, which has been already applied to such excellent use, to a considerable degree, and might be so applied, to a still greater degree, under a better system. But where are the benevolent persons to be found, who will undertake the supervision, or

\* Report, 1856-57, p. 103.

‘aid the efforts,’ of such men as are described by the Chief Constable of Sheffield? \*—‘of those who sometimes work and sometimes steal?’—‘of those who live entirely by criminal pursuits?’—‘of the *captains among thieves?*’

Yet, under the present system in England, how are persons who may be disposed to direct their benevolence that way, to form any idea whether, in undertaking the supervision of discharged convicts, they are, or are not, ‘aiding the efforts to do’ *ill*, of men of one or all of these classes?

We have seen † that our friend J. H.,—after his ‘three years of continual bad conduct’ at Parkhurst, on his first tour through the convict prisons, and his ringleadership of the mutiny at Portland on his second,—was recommended to the benevolent supervision of the Discharged Prisoners’ Aid Society, before he entered upon his third. Whether or not his biography was communicated to the Society, we know not. If it were, we cannot but admire the benevolent courage which undertook such a hopeless task, though we may doubt the discretion. If it were not, we cannot, at all, admire the kind of good faith kept by the authorities with the Society. It seems to us, with all submission to better judgements, that men like J. H., and men of the classes just described, especially need supervision; and we know of no persons who, knowingly,

\* Introduction, p. ix.

† Ibid. p. xxii. note.



will, can, or ought to undertake the supervision of them, except the police.

As to the better disposed class of men, the effect of supervision is thus stated by Mr. Organ :

‘ I have found that, no matter how cautiously and ‘ prudently my own supervision is carried out, its ‘ effects are felt by all prisoners discharged on ‘ license, and considered *by them* more or less ‘ *contrary to their ideas of liberty.*’ This is precisely the view entertained by English ticket-of-leave men, and from them adopted by the English authorities. Mr. Organ, however, proceeds: ‘ Thus, while the ‘ supervision is felt by all to be a check, the aid ‘ which I can give counter-balances it in the estima- ‘ tion of the well-disposed, *and it acts as a salutary ‘ restraint upon those who might, upon the first taste ‘ of liberty, be induced to fall back into bad courses ; ‘ and whilst it galls them, it forms them in time into ‘ those habits of self-restraint which enable them ‘ to meet and overcome the temptations incident to ‘ liberty.*’ \* What a severe ordeal that ‘first taste of liberty’ is, is shown by the relapse of more than half the reconvicted men received at Wakefield, *within the first year* from discharge, and of the 62 per cent. of the Directors’ Return, within a period not much longer.†

\* Fifth Report, p. 128.

† See Introduction, p. xvii. These facts supply the answer to the argument that police supervision is useless, because, in the case of short sentences, it lasts but a short time; for they

The value of supervision, which shall act as a restraint, upon those who might be inclined to fall back at that critical period, is incalculable. It is the last use of the *tourniquet* of Mr. Shore's ingenious similitude,\* which, though it hangs 'loose on the limb, is ready to make all tight again,' should any symptoms of 'a vessel not properly secured' appear.

We believe, then, that police supervision over convicts discharged on license, would, in England as well as in Ireland, prove, not only a protection to the public against the worse disposed, but a salutary restraint to the better disposed, amid the special dangers and temptations attendant on their 'first taste of liberty.'

show that time to be of all others the most critical. The argument is, however, strong against the judicial practice of giving comparatively short sentences to habitual offenders, which has, unfortunately, arisen since the Act of 1853, which substituted shorter terms of penal servitude for the former terms of transportation. The legislature clearly intended, by the Act of 1857, to bring back those longer terms; but the judicial practice still adheres rather to the scale created by the Act of 1853. Longer sentences, allowing time for a really reformatory discipline to act, and especially allowing a longer period under the salutary restraint of a well administered license system, are much to be desired, for all habitual offenders.

\* See Note, p. 42.

## SECTION VIII.

## GENERAL RESULTS

Good conduct in ordinary prisons, can be regarded as a *result*, only to a very limited extent; because we cannot tell, how far it may be produced by real internal change in the disposition of the prisoner; or how far it may be assumed to serve a purpose, or be due merely to constraint, and the absence of temptation and opportunity to act otherwise.

When, however,—under a system, in many respects so truly, and in more so apparently, well-ordered as the English convict system is,—we find occurrences like the riots at Portland, Chatham, and Dartmoor, which that system seems so especially calculated to prevent; and find, under the Irish system,—among prisoners of a race proverbially excitable,—so complete an absence of such occurrences, that, in no case has corporal punishment been required for two years; it is impossible not to regard the latter as a *result* of considerable importance, when we compare the two systems. Such comparison, it is equally impossible for men, occupying the point of view which we occupy, not to institute, if we enquire into the Irish system at all.

The good conduct of prisoners under such circum-

stances as those of the Irish Intermediate Prisons, has a stronger claim to be regarded as a *result*, in proportion to the greatly diminished restraint and increased temptation, under which the men are, there, placed ; and this the more, inasmuch as we are told, by those who are best acquainted with the English system, that under it, if men were placed in similar circumstances, the worst results would be likely to ensue.

The conduct of men discharged on license, is certainly to be regarded as a *result* ; so much so, that it is with reference to this class of men only, that we have any information as to the results of the English system beyond prison walls, at all. Of the extent to which that information is to be relied on, we have seen some evidence in the Introduction, pp. x.—xvii.

In order that we might form, for ourselves, by personal observation, some idea of the practical working of the system pursued in Ireland with respect to discharge on license, we visited, in Dublin, the neighbourhood where some of the men so discharged, had situations in large wholesale and retail establishments, and were employed as regular workmen, and receiving wages accordingly. We learnt that, at the outset, there was a strong prejudice, on the part of the masters, against the admission of these men ; and it was only by dint of constant and repeated importunity on the part of Mr. Organ, that their objections were so far removed, as to

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 the (again) was in the habit of keeping up  
 im- communication with the men, by visiting  
 w- at their homes, and giving them good advice.  
 They were, of course, perfectly at liberty  
 to change their situation, if by so doing they could

allow of their admitting one, at first, as an experiment; but that, finding the confidence reposed in the first man had not been abused, their scruples were at length dissipated.

We may refer to one establishment (for obvious reasons we suppress the name) where four or five of these men were in constant employment, and obtaining wages equal to those of any other workmen of the same calling. Their origin was unknown to all but their master, who expressed unqualified approval of their conduct throughout. He had given proof of his confidence by intrusting them with property and money, and with the keeping of accounts. In no single instance had this confidence been known to be abused. We conversed privately with some of the men, who strongly expressed their gratitude to him who had been instrumental in procuring them employment, and also to their master for the kindness shown to them. One had recently married into a highly respectable family. Their fellow-workmen were in entire ignorance of their antecedents. Had those transpired they would have *lost caste*, and the result would probably have been a refusal on the part of the other workmen to be in any way associated with convicts.

Mr. Organ was in the habit of keeping up constant communication with the men, by visiting them at their homes, and giving them good advice when needed. They were, of course, perfectly at liberty to change their situation, if by so doing they could

improve their position, on giving due notice to the police, who have a record of every license-holder in their district, embracing his early history, his associations, the crime for which he was convicted, and, in fact, everything connected with him.

We saw another large employer of labour, who had generally a considerable number of these men working under him, having, at the time of our visit, fifteen. He told us that he considered them to be, not only as good as, but better than, the generality of labourers, because their consciousness that they had a lost character to regain, produced in them a greater steadiness and effort to do well; so that he usually employed some of them to exercise, as *gangers* or timekeepers, a kind of superintendence over his other workmen.

It does not appear that *police supervision* has any injurious effect upon them, by betraying their secret, or preventing them from getting employment; though the prejudice of masters against employing them, was, originally, as strong, and the objection, on the part of other workmen, against being associated with them, is still as strong, as in England. The relations between the license-holders and the police, are such that, we learn, it is frequently on the recommendation of the police, that men receive the remainder of their gratuity; and not unfrequently on the same recommendation, that men under long sentences, who, having been discharged on license, have conducted themselves well for a considerable period,

receive a free pardon as to the remainder of the sentence. On this point the late superintendent of Smithfield writes: \* 'Many of the men have 'stated to me that the police are a protection to 'them, and anxious to serve them.'

These of course are the well-conducted men: we have now to enquire as to the number of the ill-conducted. Of 1,800 licenses which have been issued up to January 1, 1862, 7 per cent. have been revoked. This is only 2 per cent. less than the proportion of tickets-of-leave revoked in England;† but, when we consider the different grounds on which revocation takes place in the two countries, we shall see that the results represented by those nearly equal proportions, are widely different.

In England, licenses are only revoked upon actual reconviction for fresh crime, and are very often *not* revoked, even in that case. Table C (Appendix), shows that of 55 ticket-of-leave men sent to Wakefield Prison up to March 31, 1862 (besides those committed for trial by jury), and reported to the authorities, 32 licenses were revoked; 23 had their licenses *not* revoked, though all were convicted of fresh crime; whereas, in Ireland, 46 of 126 licenses, or 36 per cent., were revoked for irregularities *not criminal*, such as neglect of reporting to the police, &c.; and many of the holders of such revoked licenses, have been again discharged on license, after

\* Fourth Report Convict Prisons, Ireland, p. 138.

† Introduction, p. x.



a further period of probation in prison. We satisfied ourselves, by inspecting the original documents, of the strictness exercised over the license-holders; and of the slight nature of the irregularities for which licenses are revoked, when, after careful enquiry into the facts by the authorities, the charges are substantiated.

If, as is probable, at least an equal proportion of ticket-of-leave men, have returned to the other prisons in England without having their licenses revoked, as have returned to Wakefield; \* seeing that, under the Irish system, *all* these would have had their licenses revoked; in order to compare results in the two countries, we must increase the 9 per cent. of revocations in England, in the proportion of 32 to 23, making the per centage of licenses that *ought* to have been revoked 15·4.

But as, in Ireland, 36 per cent. of the revoked licenses were for irregularities not criminal, in order, therefore, to compare the revocations, we must deduct that proportion from the 7 per cent. revoked in Ireland, leaving 4·5 per cent. to compare with the 15·2 per cent. that ought to have been revoked in England.

Of the 1,800 men discharged on license, 75,

\* The proportion of unrevoked licenses is probably *more* for other prisons throughout England; because at Wakefield it has always been the practice to report every known ticket-of-leave man, which we believe was not the case in many prisons, during the earlier years of the system.

or 4 per cent., have been resented to the convict prisons. When we consider, that these men are so constantly under the eye of the police, that it is difficult for them to commit crime without detection, and still more difficult for them, when detected, to escape identification as old offenders;\* and that no pains are spared to bring their antecedents before the court which tries them,†

\* Besides the registration, photographs are now taken of all males who enter the convict prisons. Their identification, if they return to the convict prisons, may be said to be reduced, in Ireland, to a matter of certainty, especially as they must all enter again *one* prison which they have previously passed through — viz., Mountjoy ; whereas, in England, from the number of convict prisons, they may never pass twice through the same.

† To this end, the governors of the local prisons are supplied with forms, on which may be readily entered; a full description of the person of every prisoner who may come into their custody, who *is even suspected to be a discharged convict*, and all particulars of the case which can be ascertained, to be forwarded to the Directors for confirmation and identification. If the prisoner be identified, and again brought to trial, the following letter is sent in every case : —

‘ Government Prisons’ Office,  
‘ Dublin Castle, 18

‘ SIR,

‘ The enclosed particulars of  
‘ have been compared with the Books of this Office, and are  
‘ correct. In the event of his being found guilty of the pre-  
‘ sent charge, the Directors of Convict Prisons request that  
‘ the notice of the Judge may be particularly called to the  
‘ circumstance of his being an “ Habitual Offender,” with the  
‘ view of his receiving a sentence proportionate to his perse-  
‘ verance in pursuing a course of Crime.

so that they may receive long sentences of penal servitude, instead of the short sentences in local prisons, which they might often receive for the same crime, if that alone were known; the number thus reconvicted and resentenced is not large. In England we are told that it is a 'great success,' when 11 per cent., or nearly three times as large a proportion, are *said* to have been thus resentenced. We have seen (Introduction, p. xvi.) that the proportion of ticket-of-leave men resentenced to convict prisons is probably upwards of 17 per cent. instead of 11 per cent.: and this higher proportion is, almost certainly, still below the proportion of those who ought to have been, and probably would have been, thus resentenced, had the same means of ascertaining and proving their antecedents, by securing their identification, existed here, as in Ireland. We have, therefore, estimating from the number of *known* ticket-of-leave men, who have returned to

'Please to notify the result of the trial to this Office, and  
'return the enclosure at the same time.

'I am, Sir, your obedient servant,

'WALTER CROFTON,

'*Chairman of the Directors of Convict Prisons.*

'*The Governor,  
Gaol.*'

We may here observe, that though it has always been the practice at Wakefield to report every known ticket-of-leave man, the Governor has done this on his own motion, no order to that effect having ever been received by him from headquarters, though such an order was, no doubt, issued to some prisons.

Wakefield Prison, more than four times as many such men probably resented to the English *convict* prisons as the *ascertained* number of the corresponding class in Ireland.

Taking the revoked licenses, and reconvictions of license men together, we have, for Ireland, 8·5 per cent., to compare with the 20 per cent. admitted in the Directors' Return for England.\*

Table C (3) shows that the probable number of reconvicted license-*holders* (all of whom for Ireland are included in the 8·5 per cent.), is for Great Britain, estimating in the same way as in the Introduction, p. xvi., but excluding men whose licenses had expired, 34 per cent.

To this large estimate for Great Britain, an addition must be made for the number of ticket-of-leave men who have returned to Wakefield without being recognised as such, which number, the *accidental* mode in which many are recognised, shows may be considerable.

From Ireland we have information, not only as to convicts discharged on license, but as to all classes, whether discharged unconditionally or on license, and including, therefore, the bad subjects who failed, by their conduct in prison, to get licenses. Of 4,643 persons, male and female, discharged since the establishment of the Intermediate Prisons six years since, 460, or 10 per cent. have returned to the Convict Prisons by fresh

\* See Introduction, p. x.

sentences or revoked licenses, including the forty-six licenses revoked for irregularities not criminal.

We cannot compare this with the general results in England, because we have no information at all given us as to the number of convicts who were unconditionally discharged, that have returned to prison; but from the number that have returned to Wakefield, we cannot doubt that the proportion of reconvictions, is quite as large among them, as among the ticket-of-leave-men.

As it has been alleged that 'the stringency of the measures affecting discharged convicts in Ireland, has induced many criminals to fly the country, and swell the number of convictions in England,'\* and that this is especially the case in the northern counties,† we have made careful enquiry into this point. The local department at Wakefield receives, of course, all its prisoners from one northern county, and the convict department, the majority of its prisoners, from other northern counties. Of more than a thousand persons known as discharged convicts, received in both departments from 1854 to 1861 inclusive, we have only been able to *trace two* back to the Irish Convict Prisons; though others may have been received who had been there, as well as who had been in English Convict

\* Memorandum, Report Convict Prisons (England), 1860, p. 22.

† Purgatorial Purification of Irish Convicts, by Ignotus, p. 12 (note).

Prisons, without the fact in either case being known.

The chairman of the Directors in Ireland, informed us, that, some years ago, he applied to the English Home Office, to be allowed to place the Irish license-holders who might migrate to England under the supervision of the English police, but the suggestion was not adopted.

With respect to emigration, we believe that convict treatment in Ireland does possess an advantage. But the advantage is not that more assistance is given, there, to emigration; for the contrary is the case. We are assured that *no assistance whatever* is given in Ireland to help any discharged convict to emigrate, beyond the gratuity, which he receives in common with others,—and which, as we have seen, is ordinarily about half the amount given in England,—and his being put in communication with an emigration-agent in Liverpool. All beyond this, must be provided by himself or his friends. But in England we learn that the Discharged Prisoners' Aid Society has provided 2*l.* 13*s.* 6*d.* out of 9*l.* 7*s.* \* for the emigration of discharged convicts.

No doubt, there is, in Ireland, a greater disposition, on the part of the men themselves, to emigrate, owing to the habits of the population. This has

\* Report Discipline of Convict Prisons (English) for 1856–1857, p. 27.

been cultivated, as we have seen, by the advantages of emigration and the most suitable places for men to go to, being made subjects of lectures in the Intermediate Prisons ; and about twenty-five per cent. of the men discharged, have emigrated. These men 'leave their country,' but not, merely, 'for their country's good,'—against their own will and the inclination of the recipient colonists, and at a heavy expense to the said country, — but at their own expense, of their own free will, and hence we have reason to infer, for their own good and that of the country which they enter, as well as of that which they leave. The advantages of transportation, are thus obtained without the evils or the cost. For we are assured, that the men who emigrate, are generally of those who are most disposed to lead a better life. This we might suppose would be the case, *à priori*; for it is not likely that a man who is criminally disposed, would devote his gratuity money, which he might spend in sensual gratification, to the payment of his passage to a land far from his old associates in evil, and where the other facilities for crime are less, and only work more attainable. We may believe, therefore, that they are, generally, men of the better class.

This is important in reference to the bearing of emigration on the point now under consideration, viz. the proportion of the discharged convicts who return to prison. Though the emigrants lessen the number of those who remain and *may* return, it

appears that they are among those least likely to return.

But, in England, though we have less readiness to emigrate, we have not only *assisted* emigration, but we have yet some *compulsory* emigration. It appears that from 1853 to 1861, during which years not one man has been *transported* from Ireland, 3,307 \* convicts have left England, at her expense, for Western Australia. Whether men of the better class are likely to be selected for this purpose, let those judge who have gone through the evidence given before the Parliamentary Committee on Transportation. To our minds certainly, it conveyed an impression, that the esoteric doctrine held by the authorities, as well as generally in England, was, that transportation was a highly convenient mode of getting rid of the worst subjects; and that a difference of opinion on that point, was the *causa teterrima belli* between them and the colonies.

Where the authorities have things so much their own way as in Western Australia, it is not impossible that the doctrine may be reduced to practice. We are told that 'it may be assumed 'from the reports received' † from Western Australia, 'that from five to six per cent. only of the 3,307 have relapsed into crime; but having

\* Memorandum, Report English Convict Prisons, 1860, p. xxi.

† Ibid. p. xxi.



seen \* how very little reliance can be placed on *returns* which profess to show definitely what has been done in England, we can place none whatever on *assumptions* from reports received from the Southern hemisphere; especially when we remember how soon the most brilliant accounts of the good behaviour of convicts in Van Diemen's Land, and of the eagerness of the colonists to have them, were followed by an absolute refusal on the part of the latter to have any more.†

If, therefore, as regards the effect of emigration on the comparative proportion of relapses, the compulsory, and the assisted emigration, of England, be thrown into the scale against the voluntary and unassisted emigration of Ireland, we have little doubt which way the balance must incline.

We have seen, that, estimating as nearly as we can the unknown number of discharged convicts who have returned to prison throughout England from the numbers known to have returned to Wakefield, and comparing their number with the facts ascertained in Ireland, the deterrent effect of the convict system in the latter country is, measured in this way, more than four times as great as in the former; that is, the effect on the minds of those who have once been subjected to the discipline, inducing them not to render themselves liable to it again,

\* Introduction, pp. x.-xviii.

† Memorandum, Report English Convict Prisons, 1860, p. xii. xiii.

which, for distinction's sake, we may call the *cure-tively* deterrent effect.

But there is a still more important object of penal discipline, viz. *preventively* deterrent effect—the effect in inducing those who have never yet incurred the discipline, to keep from incurring it, as measured by the diminished numbers of those who do incur it.

Table F in the Appendix shows that the number of convicts in custody in Ireland has steadily diminished from 4,278 (including those then in County Prisons) on January 1, 1854, to 1,492 on January 1, 1861; and the number of persons who *became* convicts, from 710 during the former year, to 331 in 1860, being a diminution of 65 per cent. in the one case and of 53 per cent. in the other.

Table H shows the corresponding numbers for England: viz., in custody January 1, 1854, 7,916, on January 1, 1861, 7,794; the number of persons who *became* convicts was 2,418 during the former year, and 2,219 in 1860; being a diminution of only 1·5 per cent. in the one case, and of 8·2 per cent. in the other.

With respect to this, however, we must point out another advantage—and, besides the voluntary emigration before referred to, the only other advantage that we know of—which the convict system in Ireland has had, viz. the general reduction of crime consequent upon the diminution of population, and the remarkable general improvement in the

social condition of the people, of late years. To this must fairly be attributed some portion of the remarkable decrease in the number of convicts in Ireland.

But in comparing, as we are now comparing, the convict systems of the two countries, we must not forget that in England also, a great social improvement has been taking place, though more gradually, and from a starting-point less widely different.

Taking the commitments for trial as the general measure of crime of the more serious kind, the diminution in Ireland during the seven years from 1854 to 1860, was from 11,788 to 5,386, and in England from 29,359 to 15,999 — a diminution of 56 per cent. in Ireland and of 45 per cent. in England.

A sudden and large diminution in the number of commitments both in England and Ireland, in 1856, as compared with previous years, was owing to the Summary Jurisdiction Act of 1855, which enabled magistrates to deal summarily with a large class of cases, which before had to be sent for trial by jury; but in both countries there has been a considerable decrease independently of that cause, as is shown by its continuance since 1856.

In comparing the efficiency of the convict system in the two countries, it is, however, important to observe this — that, in Ireland, the diminution in the number of those who have become convicts by receiving sentence of penal servitude, has nearly

kept pace with the general diminution of commitments, and of sentences other than those of penal servitude, notwithstanding the pains taken, to increase the number of sentences of penal servitude, as compared with other sentences, by bringing up the antecedents of old offenders. We have seen that, in Ireland, the number of sentences of penal servitude has diminished 53 per cent., and the number of convicts in custody, 65 per cent., from 1854 to 1860. During the same period, the number of sentences other than those of penal servitude has diminished from 6,337 to 2,675, or 57 per cent.\*

In England, on the other hand, where far less pains are taken, and many old offenders escape sentence of penal servitude, owing to their not being recognised as such, yet the number of such sentences has diminished but slightly, and in a *less proportion than the general diminution of crime*, as indicated by the commitments and the number of sentences other than those of penal servitude. While the number of sentences of penal servitude only decreased 8·2 per cent. from 1854, to 1860; and the number of convicts in custody 1·5 per cent.; the number of *other* sentences after trial by jury decreased from 20,580 in the former year, to 9,799 in the latter, or 52 per cent. (Table I.)

It appears, then, that in both countries general

\* See Appendix, Table G.

crime is diminishing from social causes ; but while the Irish convict system is doing its duty in diminishing the special class of crime which produces convicts, the English system is doing little towards that end ; but is rather maintaining crime of that class more nearly at a level, while crime of other classes is diminishing.

We must not, however, omit to notice the one other statistical crumb of comfort which the English authorities let fall to us — besides the Return to which we have had frequent occasion to refer \* — in the shape of another Return which shows that, whereas † the number of males sentenced to transportation during five years, from 1840 to 1844, was 18,490, the corresponding number sentenced to penal servitude during the five years, from 1855 to 1860, was only 11,533,—a diminution of 37 per cent. The authorities have ingeniously selected for comparison with recent years, five — the middle year of which is just twenty years ago — during which crime of that class was higher in England than probably it was ever known to be before or since.

Let us apply the same kind of comparison to Ireland, and take five years not so far back, viz. from 1847 to 1851. The number of persons who became convicts there during those five years was 11,990, against 1,826 during the five years from 1856 to

\* See Introduction.  
Memorandum, 1860, p. 22.


1860,—a diminution of 85 per cent., which throws that of our English authorities quite into the shade.

We accept, then, the morsel which they offer us with due thankfulness, but we venture to 'ask for 'more.' It shows that things are not so bad as they once were, but it fails to satisfy us that they are as good as they might be, and if so, ought to be.

The Irish system cannot, and does not, claim all the merit of the enormous reduction we have just shown; neither can the system in England, claim all the merit of that far less proportionate reduction, which it can show, in a longer period. In both cases social improvement has been at work; but while in Ireland convict management has kept pace with, and rather gained on, the progress of social improvement, in England unfortunately it lags far behind.

We must just notice one other indication of the good use which has been made of the Convict Prisons in Ireland, in the fact, that so many of them have become useless. Six prisons have been closed for want of occupants, viz. those of Newgate, Grangegorman, Cork, Philipstown, and the Fort Camden and Carlisle, against which are to be placed two that have been added, viz. the Prison for Females at Mountjoy,\* and the huts at Lusk.

\* The Prison for Males at Mountjoy was built and occupied before the Board of Directors was formed.



Connected with this is the important question of *cost*. 'At the present time, Parliament is asked to 'vote 50,000*l.* per annum less for Irish convicts than 'was asked for them six years ago.\* There was no 'excessive or unnecessary outlay at the former period; the cost per head of each convict was less than 'it is at present, because the division of the salaries of 'the Governor, Chaplain, Medical Officer, and other 'superior officers, would cause a smaller capitation 'charge than would be the case if spread, as is now 'the case, over a more limited area. The reduction 'of cost is attributable to the most gratifying cause, '— the diminution of criminals.'

The average cost per head, though thus increased by the diminution of numbers, is 24*l.* 10*s.*, or, inclusive of building, 25*l.* 13*s.*, not deducting anything for the value of their labour.

This, the Directors say,† 'is very much lower 'than that of any other convict establishment of 'which we are aware; and the state of the markets 'and contracts bear witness that it is not attributable to the smaller cost of food.'

The average estimated cost per head of convicts in England is 32*l.* 8*s.* for 1860–61.‡

As to the total cost, we find that, *exclusive of new buildings*, the cost of the English convict establishments at home has increased from 215,954*l.* in

\* Eighth Report of Convict Prisons in Ireland, 1861, p. 7.

† Eighth Report of Convict Prisons in Ireland, 1861, p. 9.

‡ Memorandum, English Convict Prisons, 1860.

1854, to 293,771*l.* for the current year, being an increase of 77,817*l.*

The cost of the convict establishments abroad, has diminished from 313,572*l.* in 1854, to 171,863*l.* for the current year. But the former estimate was for 26,050 convicts, a large proportion of whom, we know, were sent from Ireland in previous years, though we have not the means of distinguishing their exact number.

The present cost of the convict establishments for England only, at home and abroad, is therefore 293,771*l.* + 171,863*l.*, making 465,634*l.*

Against the 171,863*l.* for English convicts now abroad, is to be set, for Ireland, the cost of thirty convicts at Bermuda, amounting to 1,330*l.*, these being the only Irish convicts now in any establishment abroad.

It appears, then, on the whole, as to the convict system in Ireland —

1. That it is comparatively low in annual cost per head; and producing a great diminution in the total cost of the special class of crime with which convict prisons have to deal.

2. That, with little of expensive prison-construction in any stage but the first, and with the least conceivable in the last, it has maintained strict discipline and good order among the prisoners, without recourse to violent measures.

3. That it has restored public confidence, so as to facilitate the obtaining of employment by discharged convicts.



4. That it has shown itself to be *curatively* deterrent and reformatory, by the small proportion of relapses; and

5. *Preventively* deterrent, by the diminished numbers who incur sentence of penal servitude, notwithstanding increased stringency of measures for bringing offenders under such sentence.

As to the convict system in England it appears —

1. That its annual cost per head is high, and the total cost increasing, notwithstanding a general diminution of crime.

2. That with a vast amount of most expensive prison-construction, it is yet, from time to time, obliged to have recourse to very violent measures, to repress outrageous disorder among the prisoners.

3. It has never attempted, or has utterly failed, to restore public confidence in itself, or the men whom it discharges.

4. Its failure to deter *curatively*, or to reform, is shown by the large and increasing number of relapses, —

5. Its failure to deter *preventively*, by the small diminution in the number of those who incur sentence of penal servitude, notwithstanding a considerable diminution in other classes of crime.

Such are the conclusions to which we have been led by a careful enquiry into the subject, though our official connection and personal associations, would naturally have inclined us, to the opposite side of the question.

On one point especially, we are most anxious not to be misunderstood; viz. this, that the protest we have felt bound to enter against the *abuse* of the system of ticket-of-leave, or discharge on license, should not be construed as, in any way, directed against its *use*. Rightly used, we believe it to be the best expedient which has yet been tried, to bring to bear a powerful, and salutary, external inducement to good conduct, on the person subjected to convict discipline.

This part of the system, is daily reassuming more of that relative importance, which has been somewhat in abeyance for the last few years, owing to its not having been applied to the sentences of penal servitude passed from 1853 to 1857, which constitute the larger proportion of those recently expired. These sentences are gradually dying out, and will, ere long, be superseded by the sentences under the Act of 1857, to all of which it is applied. That it should be *rightly* applied is, therefore, a matter of more and more urgent importance. By the mode in which it is at present applied in England, the judicial sentence is made a sham; the antecedent conditions on which the license professes to be granted, a sham; the subsequent conditions under which it is held, a sham; all together producing just such effects on the convict, and on the public, as are naturally to be expected from a series of shams: while in Ireland each and all of these are made realities, producing a most powerful and

salutary influence, for good, on the convict, and tending to restore the confidence of the public.

Finally, while the Returns which profess to exhibit the results of the license system in England, partake of that unreality which seems to cleave to the system itself,—being based upon such imperfect information that we cannot depend upon them,—those which we receive from Ireland may be accepted with reasonable confidence, as a fair representation of the results of a well-devised, and well-administered, system of penal discipline.



## APPENDIX.

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### WAKEFIELD PRISON.

#### PROGRESSIVE CLASSIFICATION BY MARKS.

A SYSTEM of progressive classification according to conduct measured by marks, similar in principle to that described,\* was introduced in November 1861, by the Governor, with the sanction of the Visiting Justices, into the West Riding department of the Wakefield Prison. The application of the principle to the different circumstances of a House of Correction, especially to the comparatively short and non-remissible sentences under which the prisoners there are detained, has required much care and consideration. The difficulty has been increased by the unusually large number of prisoners in custody.

The system is, therefore, yet in the experimental stage, and the time during which it has been in operation is too short to enable us to speak *much* of its results. But a most observable effect has already been produced in the improved conduct of the prisoners. The average number of misconduct reports, of a nature so slight as to require only a caution, was, in the year 1860, 140 per month on

\* Pp. 4, 5.

an average population of 560, or 25 per cent; in the five months in 1862, 106 of such reports per month on a population averaging 695, or 15 per cent.; but it is, however, when the prison offences are repeated, or of a more serious nature, requiring actual prison punishment, that the great difference in conduct shows itself. In the year 1861, 91 prisoners were punished monthly, or 16 per cent. on the population, and since January last 41, or only 6 per cent., have been punished.

The good effects of the new discipline are shown more decidedly by the progressive decrease in punishments monthly. In January last 84 prisoners were punished, in February 40, in March 43, in April 25, and in May only 14, and this on a prison population of above 700.

## FORM OF TICKET-OF-LEAVE

[No.       .]

*Order of License to a Convict made under the Statute  
16 & 17 Vict. chap. 99, sect. 9*

## WHITEHALL

10th day of November, 1855

HER MAJESTY is graciously pleased to grant to W. W., 'Warrior' hulk, who was convicted of larceny, at the Quarter Sessions at                      for the West Riding of the county of York on the                      day of                      and was then and there sentenced to be Transported beyond the seas for the term of seven years, Her Royal License to be at large in the United Kingdom, from the day of his liberation under this Order, during the remaining portion of his said term of Transportation, unless it shall please Her Majesty sooner to revoke or alter such License. And Her Majesty hereby orders that the said W. W. be set at liberty within Thirty days from the date of this Order.

Given under my Hand and Seal

Signed,                      G. GREY.

TRUE COPY.

J. J. WHITTY, *Director of Convict Prisons.*

*Notice.*

1. The power of revoking or altering the License of a Convict will most certainly be exercised in case of his misconduct.

2. If, therefore, he wishes to retain the privilege which, *by his good behaviour under penal discipline, he has obtained*, he must prove by his subsequent conduct that he is really worthy of Her Majesty's clemency.

3. To produce a forfeiture of the License, it is by no means necessary that the Holder should be convicted of any new Offence. If he associates with notoriously bad characters — leads an idle and dissolute life — or has no visible means of obtaining an honest livelihood, &c. — it will be assumed that he is about to relapse into crime, and he will be at once apprehended, and recommitted to prison under his original sentence.

*Description.*

Hair . . . . .
Eyes . . . . .
Eyebrows . . . . .
Nose . . . . .
Mouth . . . . .
Complexion . . . . .
Visage . . . . .
Make . . . . .
Height . . . . .
Trade . . . . .
Born at . . . . .
Friends reside at . . . . .



TABLE A.  
WAKEFIELD CONVICT PRISON.

A TABLE showing the number of Convicts received in each year since 1853, distinguishing the number who had been previously sentenced to Transportation or Penal Servitude, and showing the length of time which elapsed before their recommitment to Prison.

	Total number of Convicts received	Previously Transported or sentenced to Penal Servitude	Returned to Prison in Years								Per Cent.	
			Under 1	2	3	4	5	6	7 and upwards	Time un- certain		
1854	456	31	14	2	2	2	2	2	..	1	6	6.9
1855	289	38	26	3	1	1	1	2	1	2	1	13.1
1856	497	91	52	23	9	2	..	2	1	2	..	18.3
1857	456	85	38	26	11	4	1	1	1	1	2	18.6
1858	496	94	52	14	14	5	2	1	2	1	3	19.0
1859	459	91	49	14	7	7	4	..	1	1	8	19.9
1860	500	112	59	18	8	8	7	2	..	1	9	22.4
1861	514	159	85	23	19	7	13	3	1	2	6	30.8
	3,667	701	375	123	71	36	30	13	7	11	35	
			53.5	17.6	10.1	5.2	4.4	1.7	1	1.5	5	

TABLE B.

Years	Males — Great Britain		Wakefield Convict Prison	
	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	No. of Male Convicts sentenced to Transportation or Penal Servitude in England, Wales, and Scotland	Director's Return of re-convicted Licensed men as per Memorandum, page 4	No. of Males convicted from Column 1 received into Wakefield Convict Prison	No. of re-convicted Licensed men received in Wakefield Convict Prison
1853 from Oct. 1 .	567	...	78	...
1854 . . . .	2,167	29	456	10
1855 . . . .	2,289	105	289	25
1856 . . . .	2,330	387	497	80
1857 . . . .	2,485	292	456	75
1858 . . . .	1,968	116	496	47
1859 . . . .	2,020	89	459	35
1860 . . . .	2,079	54	500	44
1861 to March 31 .	547	14	128	7
	16,452	1,038	3,359	323

TABLE C.

A TABLE showing the number of Male License-holders previously transported or sentenced to Penal Servitude, who have been again committed to the West Riding Prison at Wakefield, in the following years.

	From Oct. 1, 1853	1854	1855	1856	1857	1858	1859	1860	To Mar. 31, 1861	Total Apr. 1, 1861	Total Mar. 31, 1862	Total of Persons	Returned second time since their release on License	Grand Total of Committals
Resentenced to Penal Servitude	..	3	7	18	6	4	1	2	..	41	3	46	1	47
License had expired at date of committal	..	..	..	..	..	2	..	..	4	6	7	23	8	31
License revoked	..	..	5	11	5	5	1	3	..	30	1	32	..	32
Do, unrevoked	..	..	1	3	2	2	2	7	2	19	4	23	3	26
Acquitted on Trial	..	..	..	1	..	1	..	1	..	3	..	3	..	3
	..	3	13	33	13	14	4	13	6	99	11	127	12	139

TABLE C (2).

Estimate of number of licensed men who have probably returned to all Prisons in Great Britain up to December 31, 1861.

	Excluding Scotland	Including Scotland
Sir Joshua Jebb's Return (see Memorandum, page vi.)		
Revoked Licenses . . . . .	834	834
(See Introduction, page xv.)		
Estimated Additions.		
(See Introduction, page xv.)		
Unrevoked Licenses :		
25 multiplied by 28 . . . . .	700	
or 25 do. 38 . . . . .		950
Estimated number of resented men . . .	1,615	1,615
Being 5 times 323 resented men received at Wakefield.		
(See Introduction, page xv. and xvi.)		
Resented convicts discharged before March 31, 1861, but received up to December 31, 1861.		
Convict department, 57 multiplied by 5, as before . . . . .	285	285
West Riding do. 12 do 28 do. . . . .	336	
or 12 do. 38 do. . . . .		456
(See Explanation, Introduction, page xvi.)		
	3,770	4,140
Or a per centage on the number discharged of	40.5	45

TABLE C (3).

Estimated number of men who would have returned to *Convict Prisons* if all licenses had been revoked upon reconviction, up to March 31, 1861.

Licenses actually revoked by Directors' Returns	. . . 834
Estimated number resentenced. Tables B, C	. . . 1,615
Number of men received in the local department at Wakefield holding licenses, which were not revoked—19 multiplied by 38 for Great Britain	. . . 722
	<hr/> 3,171
Per centage on 9,180 discharged	. . . 34.5.

TABLE D.

Abstract of Sir Joshua Jebb's Table of Convicts released on License. (See Memorandum, page vi.)

Years	License revoked or reconvicted from 1853 to March 1861.	Returned to a Government Prison before the completion of the year follow- ing their release	Per centage of such return
From Oct. to Dec.			
1853 . . . . .	39	18	46
1854 . . . . .	325	149	46
1855 . . . . .	662	403	61
1856 . . . . .	594	408	68
1857 . . . . .	151	100	66
1858 . . . . .	51	41	80
1859 . . . . .	23	22	95
1860 . . . . .	17	17	100
1861 to March 31 . .	10	10	100
	1,872	1,168	62

TABLE E.

April 1862.—Dietary of the following Convict Prisons, showing at one view the comparative amounts of nutriment for a week.

Solid Food	WAKEFIELD	PORTLAND,* Increased or best dietary	SPIKE ISLAND	L'ACK BRANCH	SMITHFIELD
	lb. oz.	lb. oz.	lb. oz.	lb. oz.	lb. oz.
Bread . . .	8 12	10 11	13 . .	10 8	12 4
Beef, without bone }	1 12	2 7	2 . .	2 4	2 2
Potatoes . .	7 . .	7 . .	. . . .	14 . .	10 8
Flour (pudding)	. . . .	1 2½	. . . .	. . . .	. . . .
Rice . . . .	. . . .	. . . .	1 6½	1 6	. . . .
	17 8	21 4½	16 6½	28 2	24 14
Liquid Food					
Pints of Soup	3½	7	4	5	5
" Gruel	7	7	7	7	. .
" Cocoa	. .	3	. .	. .	. .
" Tea	. .	4	. .	. .	7
" Coffee	. .	. .	. .	7	7
" Milk	5½	. .	10½	7½	2
	15¾	21	21½	26½	21

\* Portland. In addition to the best dietary, prisoners in the 3rd stage receive on Sundays 2 oz. cheese, 3 oz. bread, and ½ pint of beer. Prisoners in the 4th stage receive the same as the 3rd, with the addition of a small pudding on Thursdays, and mutton instead of beef on Thursdays and Fridays.

Soup consists of 1 oz. vegetables, 1 oz. barley, and 1 oz. rice per pint.

Gruel do. 2 oz. oatmeal per pint.

Cocoa do. ¾ oz. cocoa, ¾ oz. molasses, and 2 oz. milk per pint.

Tea do. ½ oz. tea, ¾ oz. sugar, and 2 oz. milk per pint.

Coffee do. ½ oz. coffee, ⅓ oz. chicory, 1½ oz. molasses, and ½ pint milk.

**TABLE F.**  
**IRISH CONVICT PRISONS.**

In cus- tody in Govern- ment Prisons, January 1	Year	Con- victed	No. dis- charged	Remarks
*3,933	1854	710	658	* In addition to this number there were 345 convicts under detention in the County Prisons, and several hundred in Bermuda and Gibraltar, who were subsequently discharged in Ireland. † 23 of these are Military Convicts. ‡ There are only 30 now left in Bermuda and Gibraltar, and none in the County Prisons.
3,427	1855	518	820	
3,209	1856	389	1,107	
2,614	1857	426	910	
2,277	1858	358	946	
1,773	1859	322	595	
1,631	1860	†331	524	
†1,492	1861	..	..	
Total .		3,054	5,560	

**TABLE G.**

Commitments for Trial at Assizes and Quarter Sessions in Ireland,  
and Sentences.

	Commitments	Sentences of Penal Servitude	Other sentences
1854. . . .	11,788	710	6,337
1855. . . .	9,012	518	4,697
1856. . . .	7,099	389	3,630
1857. . . .	7,210	426	3,481
1858. . . .	6,308	358	3,002
1859. . . .	5,865	322	2,791
1860. . . .	5,386	331	2,675



**TABLE H.**  
**CONVICT PRISONS, ENGLAND AND WALES.**

In custody, Government Prisons	Year	Convicted	Number discharged
7,916	1854	2,418	2,363
8,417	1855	2,364	4,124
7,349	1856	2,431	4,395
7,001	1857	2,583	2,573
7,748	1858	2,130	3,664
7,628	1859	2,170	2,531
7,852	1860	2,219	2,979
7,794	1861	. . .	. . .
		16,315	22,629

**TABLE I.**  
**Commitments for Trial at Assizes and Sessions in England and  
Wales, and Sentences.**

Years	Commitments	Sentences of Transportation or Penal Servitude	Other sentences
1854 . . .	29,359	2,418	20,580
1855 . . .	25,972	2,364	17,557
1856 . . .	19,437	2,431	12,234
1857 . . .	20,269	2,583	12,670
1858 . . .	17,855	2,130	11,063
1859 . . .	16,674	2,170	10,248
1860 . . .	15,999	2 219	9,799
		16,315	94,151

TABLE K.

Number of Prisoners sentenced from Wakefield Prison to 4 years Penal Servitude in the following years, showing the years in which they returned to Prison.

Years	Number sentenced	Returned to Prison			Total return to Prison
		Within one Year	Within two Years	In three Years and upwards	
1856	49	9	6	5	20
1855	29	7	5	..	12
1856	41	13	5	..	18
	119	29	16	5	50

42 per cent. returned to Prison; 30, or 25 per cent., of the above number were again sentenced to Penal Servitude. 58 per cent. of the returns to Prison were within one year.

POSTSCRIPT TO SECTION VII.

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WHILE the foregoing pages were passing through the press, a strong illustration of the need there is, in this country, for regulations of the same nature as those which have been adopted in Ireland, to enable the police to keep their eyes upon ticket-of-leave men who are infringing the conditions of their license, was given by Sir J. Jebb, before the Social Science Congress. It appears from his statement that the Chief Commissioner of the Metropolitan Police, recently laid, before the Home Secretary, a complaint, that a large number of ticket-of-leave men were pursuing criminal courses, in London. By direction of the Home Secretary a Return was sent in to him, which showed that, of about 300 known to the police in their several districts as ticket-of-leave men, about half were pursuing such courses; which agrees nearly with the conclusion we have drawn (Introduction, p. 19), from what we have seen at Wakefield, and in the West Riding, as to the proportion of these men who relapse into crime. Upon this, the Home Secretary

directed that the ticket-of-leave men should be warned that, if they continued to pursue criminal courses, their licenses would be revoked ; and that after a month another return should be sent in to him. At the end of the month *not a ticket-of-leave man was to be found*.

As no explanation was given of this very remarkable result, we can but speculate as to how it came to pass. The only apparent explanation which suggests itself to us is, that, finding attention drawn to their criminal pursuits, those who were following them migrated elsewhere, to practise their vocation upon those who have not the present advantage of residing within the district of the Metropolitan Police ; and, if detected and convicted, to swell the *unknown number* of reconvicted ticket-of-leave men, to which we have several times referred. If, as it would appear, the whole 300 thus migrated, the inference seems to be that even those who were not supposed by the police to be dishonest, felt that their conduct would not bear investigation ; and, if the migration were thus general, it would seem to indicate a degree of organisation and community of purpose which confirms the view we ventured to suggest (p. 50), viz. that the treatment of convicts in masses, tends to produce action in masses, on their part, outside as well as inside the prison.

If it had been made a condition of their license that they should not change their residence with-

out reporting such change to the police—as is the case in Ireland—and the police had been ordered to trace out and apprehend them for infringing such condition, we cannot doubt that they would have been able to do so in most of the cases ; just as they follow any person charged with crime, who may have got out of the way; and extra metropolitan districts would have been saved from invasion by a small army of men practising crime under cover of Her Majesty's Royal License.

We cannot but observe however that, under the present system in England, to require the police to make out returns of ticket-of-leave men, is to demand work where no material is given to work upon. The police may often believe a man to be a discharged convict, from various indications familiar to a practised eye. They may even know him to have been sentenced to transportation or penal servitude. But whether he be a ticket-of-leave man or not they cannot tell, without knowing the precise date and length of sentence, and the precise mode in which he was discharged, e.g. whether by pardon or on license. This last information is withheld from them by those who possess it, as well as all other particulars relating to the man ; yet they cite the case just described to show the inefficiency of police supervision. Inefficient, indeed, it must be, while they do all they can to make it so. It is said that police supervision is a great question of State policy, touching the liberty

of the subject. To us it seems, with all deference, to be simply a question—

1. Whether ‘every convict on his release with ‘a ticket-of-leave should be reported to the police ‘of the town or district to which he is sent,’ as a Select Committee of the House of Commons deliberately recommended to be done :

2. Whether the authorities shall make it a condition on which the license shall be given, that the holder should, himself, report his residence to the police :—as it is admitted on all hands that they have a perfect right to do, when they let him go at large before the expiration of his sentence; and as this case shows to be so needful for the security of society.

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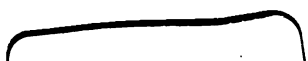
























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